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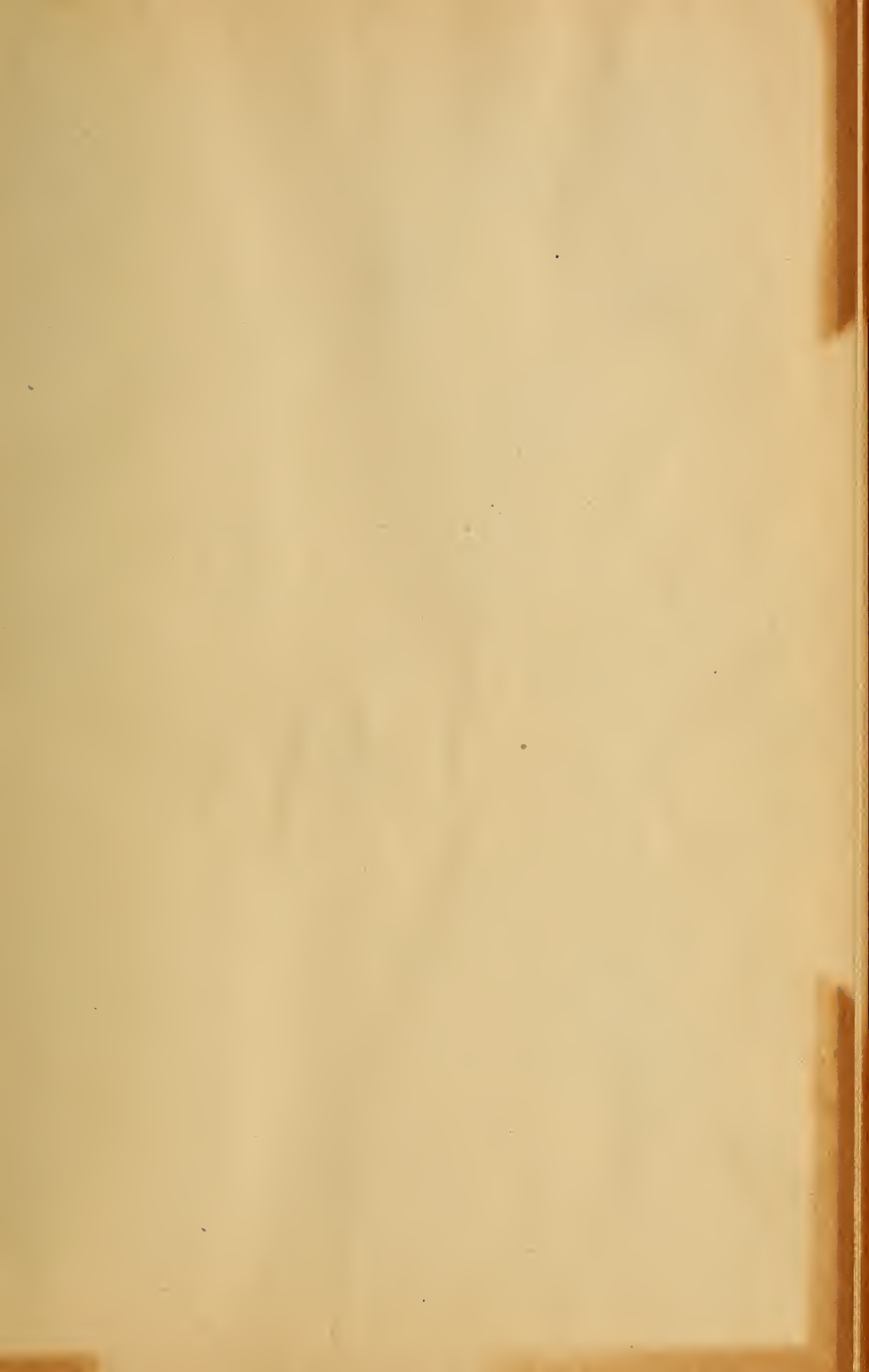
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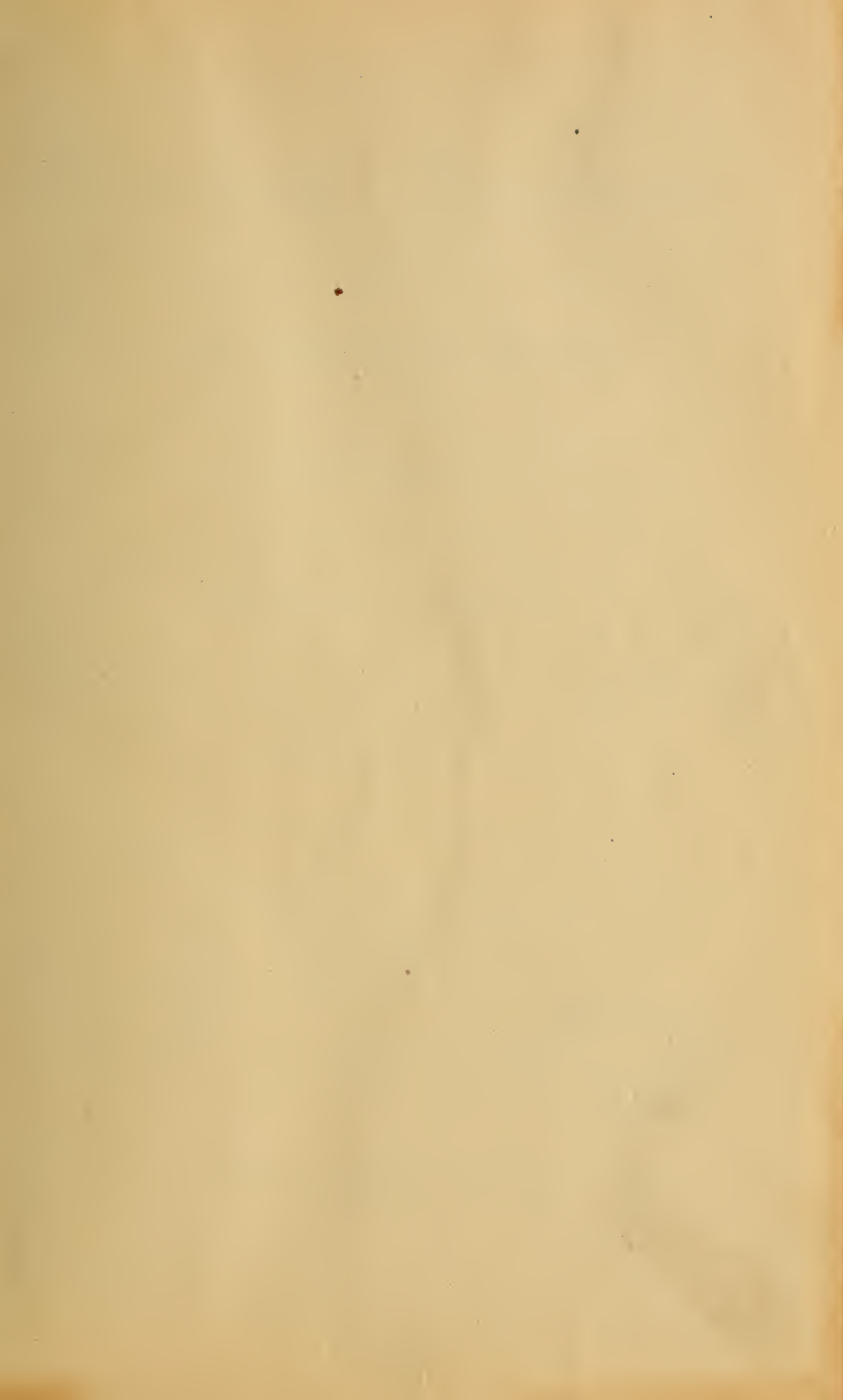
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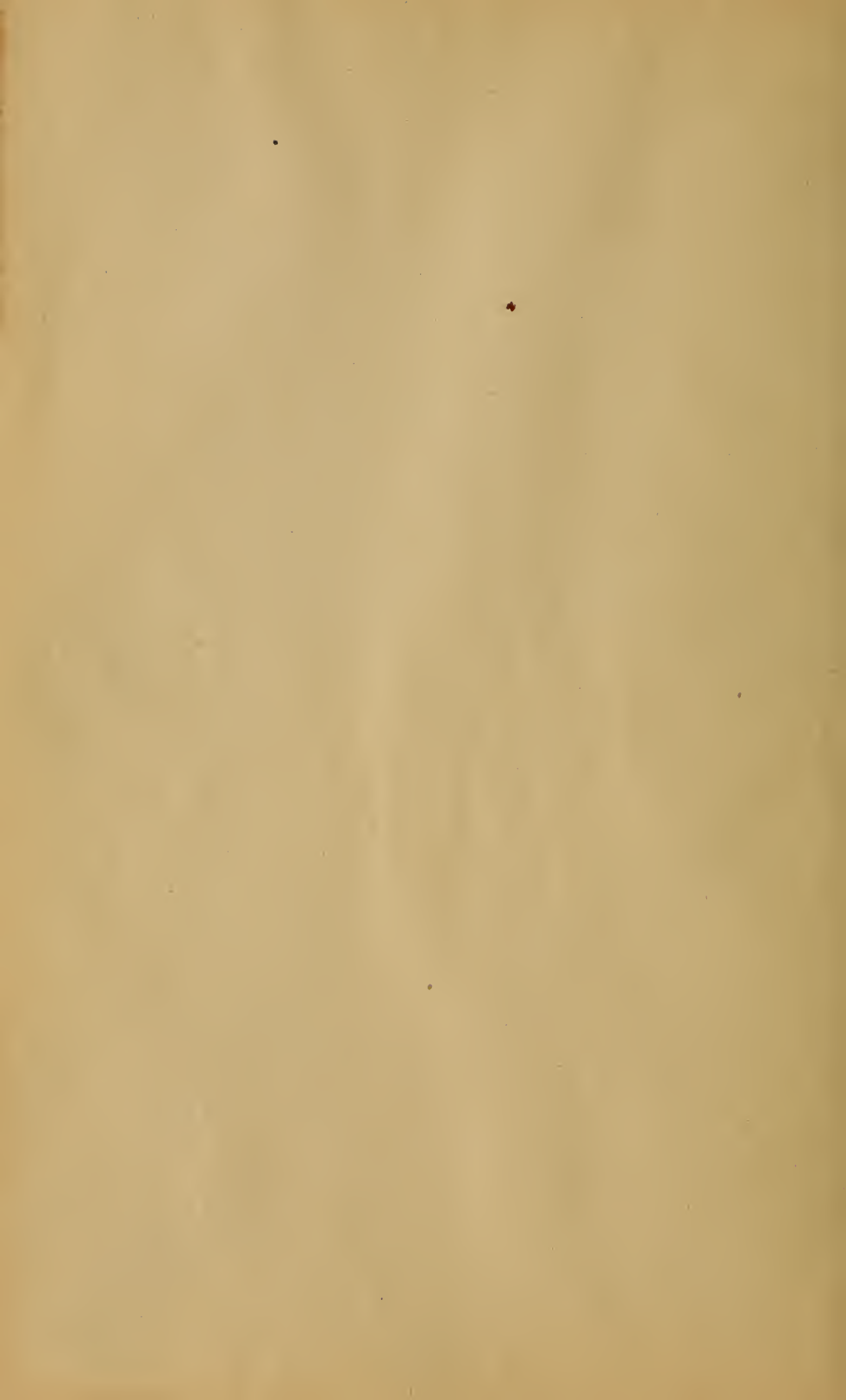
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UNITED STATES OF AMERICA.







THE
GAME LAWS

OF THE
STATE OF NEW YORK,

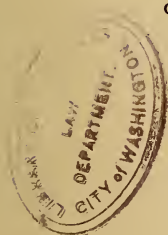
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PUBLISHED UNDER THE AUSPICES OF

The Eastern New York Fish and Game Pro-
tective Association of Albany, N. Y.

COMPILED FOR THE ASSOCIATION BY

E. W. RANKIN,
COUNSELOR-AT-LAW.



PUBLISHED BY
W. W. BYINGTON, Sec'y OF THE ASSOCIATION,
ALBANY, N. Y.

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PREFACE.

THE following pages contain a compilation of the Game and Fish Laws of New York State, revised, to include the legislation of 1887. As far as possible the new law has been incorporated in the old, so that the general act may now be read as it at present exists. Certain general provisions affecting the whole State follow. Two sections of the act of 1885, creating the forest preserve, are introduced to explain the references thereto in the law as amended.

A general synopsis of the law as to particular game and fish is prefixed to the laws. In this, where there are conflicting or obscure provisions, a reasonable construction is sought in harmony with the general spirit of the law.

An attempt has been made to make the index complete, so that any particular locality, or species of fish or game and the legislation affecting it may be easily found. In this index the penalties are not specially noted, except the general provisions relating thereto. The appropriate penalty follows as a rule the particular act prohibited.

EDWARD W. RANKIN.

ALBANY, *July 30th, 1887.*

GENERAL SYNOPSIS.

GAME.

DEER :

May be hunted, killed and taken alive from August 15th to November 1st only.

Three only shall be killed or taken alive during such time by any one person.

May be hunted with dogs from Sept. 1st to Oct. 5th, but not in St. Lawrence and Delaware counties.

Shall not be trapped, killed with spring gun or other device.

Deer shall not be hunted or killed in Queens or Suffolk counties for five years from April 24th, 1886.

Shall not be sold, except from August 15th to Nov. 1st.

Fresh venison lawfully killed and transported may also be sold from November 15th to December 15th.

May be had in possession from August 15th to Nov. 15th only, and also fresh venison lawfully killed and transported from November 15th to December 15th.

Shall be transported from August 15th to November 15th only, and not more than one, transported for and accompanied by the owner.

May not be hunted by crusting or yarding.

Fawns shall not be killed. The skin or carcass of a fawn shall not be possessed or sold.

MOOSE :

May not be taken, chased with dogs or killed within the State, or when so taken or killed shall not be sold or had in possession.

HARES AND RABBITS :

Killing, possessing or exposing for sale after being killed prohibited, from February 1st to November 1st.

Shall not be hunted with ferrets, except in orchards or nurseries by owners or occupants and in adjoining fields and forests.

BLACK AND GREY SQUIRRELS :

Shall not be killed, exposed for sale or possessed between February 1st and August 1st.

WOLVES :

State Bounty, \$30 for grown wolf, \$15 for a pup.

PANTHERS :

State Bounty, \$20.

BIRDS.

(See chapter 427, Laws of 1886, as to song and small birds.)

WILD DUCK :

Shall not be killed, exposed for sale or had in possession between May 1st and September 1st.

Shall not be killed in the waters of Long Island between May 1st and October 1st. Shall not be hunted in Chautauqua county between February 1st and September 1st.

Shall not be killed between sunset and daylight, or pursued or fired at with the aid of any light or lantern, nor with any gun except such as are habitually raised at arms length and fired from the shoulder.

Nets and other devices shall not be used to capture or kill them.

Floating batteries; machines or other devices whereby the gunner is concealed, decoys, and bow-houses at a greater distance than twenty rods from the shore for shooting at or killing the same prohibited, except in waters of Great South Bay west of Smith's Point, Peconic or Shinnecock Bay, Lake Ontario, St. Lawrence and Hudson River below Albany.

It is forbidden to sail for or shoot at from vessels propelled by sail or steam, except in Long Island Sound, Gardiner's and Peconic Bays, Lake Ontario, and the Hudson River below Iona Island.

WILD GOOSE :

(See Wild Duck.)

BRANT :

(See Wild Duck.)

WILD FOWL :

Floating batteries, machines and other devices whereby the gunner is concealed, and sailing for prohibited, except in localities enumerated above under the head of Wild Duck.

QUAIL :

Shall not be killed, exposed for sale or possessed between January 1st and November 1st. If lawfully killed and transported, may be sold or had in possession between January 1st and February 1st, also.

Shall not be taken or killed by nets, traps or snares, and so taken shall not be had in possession or sold. Nets, traps and snares shall not be set, and may be taken and destroyed whenever found set.

Shall not be killed in Niagara county for three years from May 17th, 1886.

On Robin's Island, Suffolk county, may be killed from October 15th to February 1st.

WOODCOCK :

Shall not be killed, exposed for sale or had in possession between January 1st and August 1st.

In Oneida and Delaware counties between January 1st and September 1st.

Provisions as to nets same as Quail.

Shall not be taken out of Chautauqua or Cattaraugus counties for sale or trade.

PARTRIDGE :

Shall not be killed, exposed for sale or had in possession between January 1st and September 1st.

Shall not be killed in Niagara county for three years from May 17th, 1886.

Shall not be killed or had in possession in Queens and Suffolk counties from January 1st to November 1st.

Provisions as to nets same as Quail.

Shall not be taken out of Chautauqua or Cattaraugus counties for trade or sale.

PRAIRIE CHICKEN :

Shall not be killed, exposed for sale or had in possession between January 1st and September 1st.

Provisions as to nets same as Quail.

PINNATED GROUSE :

(Same as Prairie Chicken.)

RUFFED GROUSE :

(Same as Partridge.)

CANADA PARTRIDGE :

Provisions as to nets same as Quail.

SPRUCE GROUSE :

Provisions as to nets same as Quail.

TEEL, COOT, DIPPER AND GREEBE :

Shall not be hunted in Chautauqua county between February 1st and September 1st.

PLOVER :

Shall not be killed or had in possession in Queens and Suffolk counties from January 1st to July 10th.

Shall not be taken out of Chautauqua or Cattaraugus counties for sale or trade.

SNIFE :

Shall not be taken out of Chautauqua or Cattaraugus counties for sale or trade.

(See Bay Snipe.)

BAY SNIFE, SAND PIPER AND SHORE BIRDS :

Shall not be killed or had in possession in Queens and Suffolk counties from January 1st to July 10th.

RAIL BIRDS AND MEADOW HENS :

Shall not be killed or had in possession in Queens and Suffolk counties from January 1st to September 1st.

SONG BIRDS, SMALL BIRDS, WILD BIRDS :

Shall not be killed or wounded at any time or in any manner, crows, hen hawks, owls and black birds excepted.

ROBINS AND BLACK BIRDS :

May be shot on Long Island and Staten Island from November 1st to January 1st.

ENGLISH SPARROWS :

Are not protected. Giving food or shelter to the same is a misdemeanor.

FISH.**SPECKLED TROUT :**

Shall not be caught, killed, exposed for sale or had in possession, except from April 1st to September 1st. In Steuben County, except from May 1st to August 1st. In the Forest Preserve except from May 1st to September 15th.

Shall not be caught for stocking, except from Lake Ontario.

Molesting on natural spawning beds during spawning season prohibited, except in Lake Ontario.

State and private hatcheries have special privileges. Killing or catching except by hook and line prohibited, except in Lake Ontario, Niagara River and waters wholly private.

Set or draw nets or seines, set lines and set poles and other devices in any waters inhabited by, prohibited, except in Lake Ontario.

Fishing for, through the ice prohibited, except in Lake Ontario, Niagara River and private waters. Shall not be killed, exposed for sale or intentionally caught less than six inches in length.

Transportation of trout caught or killed in the Forest Preserve, prohibited, except from May 1st to September 1st, for the owner, accompanied by the owner.

Nets, seines, etc., contraband and may be destroyed.

BROOK TROUT ;

(See speckled trout.)

BROWN TROUT :

(See speckled trout.)

CALIFORNIA TROUT :

(Same as speckled trout ; but see sec. 7, of chapter 531, Laws of 1880, prohibiting taking same between May 15th and September 1st.)

SALMON TROUT :

(Same as speckled trout, *except* that they may be caught in the Forest Preserve and in Lake George from May 1st to October 1st, elsewhere from April 1st to October 1st, and may be transported from the Forest Preserve from May 1st to October 1st, for, and accompanied by the owner.)

LAND-LOCKED SALMON :

(See salmon trout.)

LAKE TROUT :

(See salmon trout.)

BLACK BASS :

May be caught in Columbia county, in Lake Mahopac, Schroon Lake or River, Paradox Lake,, Friends' Lake, Skaneateles Lake, Lake Erie, and Niagara River above Niagara Falls, on American side between July 1st and January 1st.

In Lake George and Brant Lake between August 1st and January 1st.

In Oneida Lake between June 1st and March 1st.
In the St. Lawrence, Clyde, Seneca and Oswego Rivers, Lake Ontario, Lake Conesus, and in Black Lake (St. Lawrence county), between May 20th and January 1st.

In Lake Champlain, between June 15th and January 1st.

In any other waters of the State, between May 30th and January 1st.

Shall not be caught, sold or had in possession less than one-half pound in weight or eight inches in length.

Shall not be sold or had in possession, save from May 20th to January 1st, but in Erie county, between July 1st and January 1st only, and on Lake Champlain between June 15th and January 1st only.

Nets, etc., prohibited in waters inhabited by bass, except by permission of the Commissioners of Fisheries.

MUSCALONGE :

May be caught in the St. Lawrence, Clyde, Seneca, and Oswego Rivers, Lake Ontario, Lake Conesus and in Black Lake (St. Lawrence county), from May 20th to January 1st.

In Oneida Lake, from May 30th to March 1st.

In Lake Erie and Niagara River above Niagara Falls on the American side, from July 1st to January 1st.

In Lake Champlain, from June 15th to January 1st.

In other waters of the State, between May 30 and January 1st.

Must not be sold or had in possession on Lake Champlain, except between June 15th and January 1st.

In Erie county, except from July 1st to January 1st, elsewhere except from May 20, to January 1st.

OSWEGO BASS :

May be caught in Oneida Lake, between May 30th and March 1st.

In Lake Erie and Niagara River above Niagara Falls on the American side, between July 1st and January 1st.

In Lake Champlain, between June 15th and January 1st.

In all other waters of the State, between May 30th and January 1st.

Shall not be sold or had in possession in the county of Erie, except between July 1st and January 1st. On Lake Champlain, except between June 15th and January 1st.

Elsewhere, except between May 20th and Jan. 1st.

PIKE PERCH :

(See Oswego bass.)

FRESH WATER STRIPED BASS :

Shall not be sold or had in possession, except from May 20th to January 1st.

Shall not be caught, killed or exposed for sale weighing less than one-half pound and less than eight inches long.

SALT WATER STRIPED BASS :

No protection, except as to size, which is the same as black bass.

BULL HEADS :

Must not be caught in Lake George, between April 1st and July 1st.

PICKEREL :

Must not be caught in Lake George, between February 15th and July 1st, and in Lake Champlain from January 1st to June 15.

PIKE :

Must not be caught in Lake Champlain, except from June 15th to January 1st.

SALMON :

Shall not be caught except with line or rod held in hand.

Shall not be caught except from March 1st to August 15th.

SHAD :

Shall not be caught in the Hudson River except from March 15th to June 15th.

THE GAME LAWS

OF THE

STATE OF NEW YORK.

The General Law, as Amended to Date.

Chap. 534 of the Laws of 1879.

AN ACT for the preservation of Moose, Wild Deer, Birds,
Fish and other Game.

PASSED June 20, 1879.

SECTION 1. No person shall hunt, kill, chase or take alive any wild deer in any part of the State save only from the fifteenth day of August to the first day of November in any year, nor shall any one person during such time, kill or take alive more than three deer. No person, corporation, association or company shall transport or have in his or its possession in this State, after the same has been killed, any wild deer or venison, save only from the fifteenth day of August to the fifteenth day of November in each year. No person, corporation, association or company shall sell, or expose for sale after the same has been killed, any wild deer or venison, save only from the fifteenth day of August to the first day of November in each year. No person shall at any time, in this State, kill any fawn or have in possession the carcass or skin of any such fawn after the same shall have been killed. No person shall, in any part of this State, set any trap, spring gun or other device at any artificial salt lick or other place for the purpose of trapping or killing wild deer. It shall not be lawful to hunt or pursue deer with dogs in any county of this State, except from the first day of September to the fifth day of October in each year. It shall not be lawful to pursue deer with dogs in the counties of St. Lawrence and Delaware at any time. It shall be lawful for any person to shoot or kill any dog while in actual pursuit of any deer in violation of the provisions of this act. It shall not be lawful for any person to kill or cause to be killed any wild deer in the counties of Suffolk and Queens at any time within five years from the passage of this act. No person, common carrier, corporation, association or

Wild deer, season for.

Transportation of.

Sale or possession of.

Fawn.

Traps, spring-guns, etc.

Hounding.

In Queens and Suffolk.

Transporta-
tion of.

company shall at any time carry or transport in this State, or have in possession for the purpose of transportation, any wild deer, or venison, taken, caught, killed or captured in the counties of this State, or in either of them, except the counties of Queens and Suffolk, and any person, common carrier, corporation, association or company which has in his or its possession any such wild deer or venison, taken, caught, killed or captured in any of the said counties of this State as aforesaid, or in either of them, except the counties of Queens and Suffolk, shall be deemed to have them in possession in violation of this act, except, however, that they may transport or have in possession for the purposes of transportation, from the fifteenth day of August to the fifteenth day of November, not more than one carcass of wild deer or venison, taken, caught, killed or captured in said counties as aforesaid, or in either of them, for each owner of said carcass as aforesaid, provided that such carcass be accompanied by the owner. This section shall not apply to the head or feet of wild deer when severed from the carcass. Any person offending against any of the preceding provisions of this section shall be deemed guilty of a misdemeanor, and in addition thereto shall be liable to a penalty of one hundred dollars for each wild deer or fawn so killed, hunted, pursued or trapped, or for each carcass or part thereof transported or had in possession for transportation in violation of this act, and for every spring-gun so set, or wild deer or fawn skin or venison had in possession, and may be proceeded against therefor in any county of this State in which the offense was committed or in which the offender or prosecutor may reside, or have an office for the transaction of business. (As amended by chap. 194, Laws 1886.)

Penalty.

Moose.

§ 2. No person shall at any time or place within this State, take, chase with dogs, or kill any moose, nor shall any person sell or expose for sale or have in his or her possession, any moose after the same has been so taken or killed. Any person violating this section shall be deemed guilty of a misdemeanor, and in addition thereto shall be liable to a penalty of fifty dollars for each offense.

Penalty.

Crusting or
yarding pro-
hibited.

§ 3. No person shall hunt, kill or take alive any wild deer by the process or mode commonly known as crusting, or enter any place where wild deer are yarded with intent to kill, take alive or destroy the same at any time. Any person offending against any of the provisions of this section shall be deemed guilty of a misdemeanor, and in addition thereto shall be liable to a penalty of one hundred dollars for

each wild deer so hunted, killed, taken alive or destroyed.
(As amended by chap. 194, Laws 1886.)

§ 4. No person shall kill, or expose for sale, or have in his or her possession, after the same has been killed, any wild duck, goose or brant in any of the waters of this State, between the first day of May and the first day of September, except that in the waters of Long Island none of said birds shall be killed between the first day of May and the first day of October. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and in addition thereto shall be liable to a penalty of twenty-five dollars for each and every wild duck, goose or brant killed, or had in his possession; and any person who shall, at any time kill any of said birds between sunset and daylight, or pursue or fire at any of said birds with the aid of any light or lantern, shall be deemed guilty of a misdemeanor, and in addition thereto shall be liable to a penalty of fifty dollars for each offense against this provision. And any person found between sunset and sunrise on the water with a gun and lantern in the act of attempting to pursue, fire at, or kill any such birds, shall be deemed guilty of a violation of this section.*

§ 5. No person shall, at any time, kill any wild duck, goose or brant, with any device or instrument known as a swivel or punt gun, or with any gun other than such guns as are habitually raised at arm's length and fired from the shoulder, or use any net, device or instrument, or gun other than aforesaid, with the intent to capture or kill any such birds. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and in addition thereto shall be liable to a penalty of fifty dollars.

§ 6. No person shall use any floating battery, machine or other device, whereby the gunner is concealed, for the purpose of killing any wild fowl, or shoot out of any such floating battery, machine or device, at any wild goose, brant or duck, in any of the waters of this State, or use any decoy or construct any bow-house, at a greater distance than twenty rods from the shore, for the purpose of shooting at or killing any such birds. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and in addition thereto shall be liable to a penalty of fifty dollars for each offense. But nothing in this section shall apply to the waters of the Great South bay, west of Smith's Point, or the waters of Peconic bay, or Shinnecock

Wild duck,
goose, brant.

Long Island.

Penalty.

Not to be
killed between
sunset and
sunrise.

Killing same
by swivel or
punt gun.

Nets, etc.

Penalty.

Floating bat-
teries, decoys,
etc., prohib-
ited.

Penalty.

5 1/2

Exceptions.

* In Chautauqua county the open season for wild duck, etc., is from September 1st to February 1st. (See chap. 247, Laws 1886.)

bay, or Lake Ontario, or the river St. Lawrence, or the Hudson river below Albany.

Sailing for
wild fowl.

§ 7. No person shall sail for any wild fowl or shoot at any wild goose, brant or duck from any vessel propelled by steam or sails, or from any other structure attached to the same, in any of the waters of this State, except Long Island Sound, Gardiner's and Peconic Bays, Lake Ontario and the Hudson river below Iona Island. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and in addition shall be liable to a penalty of ten dollars. (As amended by chap. 591, Laws 1887.)

Penalty.

Quail.

§ 8. No person shall kill, expose for sale, or have in possession after the same has been killed, any quail,* between the first day of January and the first day of November, except as hereinafter provided; no person shall kill, or expose for sale or have in possession after the same has been killed, any hare or rabbit, between the first day of February and the first day of November, nor at any time, kill or hunt any hare or rabbit with ferrets. This shall not prevent the owners or occupants of nurseries or orchards, in any of the counties of this State, from trapping or hunting hares or rabbits, with ferrets or otherwise, within the limits of said nurseries or orchards, or any forest or field adjoining such nurseries or orchards, and the possession of any hare or rabbit may be excused by any person proving the same to have been caught or killed within the limits aforesaid. *

Hare or rab-
bit.

Ferrets.

Orchards and
nurseries.

* * * * * Any person violating either of the provisions of this section shall be deemed guilty of a misdemeanor, and in addition thereto shall be liable for any violation of the first provision to a penalty of twenty-five dollars for each quail, hare or rabbit so killed, exposed for sale or had in possession. (As amended by chap. 584, Laws 1880.)

Penalty.

Woodcock.

§ 9. No person shall kill or expose for sale or have in his or her possession after the same has been killed, any woodcock,** between the first day of January and the first day of September, in the counties of Oneida and Delaware, and in other parts of the State, between the first day of January and the first day of August in each year, except as herein-after provided. It shall not be lawful for any person to kill or expose for sale, or to have in his or her possession after the same has been killed, any black or grey squirrel, between

Black or grey
squirrels.

* See chap. 542, Laws 1886, as to Robin's Island; chap. 395. Laws 1886, as to Niagara county.

** See chap. 430, Laws 1886, as to Chautauqua and Cattaraugus counties, forbidding transporting birds out of said counties.

the first day of February and the first day of August in each year. Any person violating either of the provisions of this section shall be deemed guilty of a misdemeanor, and in addition thereto shall be liable to a penalty of twenty-five dollars for each bird or animal so killed or had in possession. (As amended by chap. 269, Laws 1884.) Penalty.

§ 10. No person shall kill, or expose for sale, or have in his or her possession, after the same has been killed, any ruffed grouse, commonly called partridge; or pinnated grouse, commonly called prairie chicken, between the first day of January and the first day of September, except as hereinafter provided. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and in addition thereto shall be liable to a penalty of twenty-five dollars for each bird so killed or had in possession. * Partridge.
Prairie chicken.
Penalty.

§ 11. No person shall, at any time or place within this State, take or kill any ruffed grouse, commonly called partridge, or any pinnated grouse, commonly called prairie chicken, or any spruce grouse, commonly called Canada partridge, or any quail, with any net, trap or snare, or set any such net, trap or snare for the purpose of taking or killing any such birds: nor shall any person willfully sell, or expose for sale, or have in his or her possession, any of the said birds after the same shall have been so taken or killed. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and in addition thereto shall be liable to a penalty of ten dollars for each bird so taken and killed, or had in possession. And it shall be lawful for any person to take and destroy any such nets, traps or snares whenever found set. Netting, etc.,
prohibited.
Penalty.

§ 12. No person shall, at any time, in this State, kill or expose for sale, or have in possession after the same is killed, any eagle, woodpecker, night-hawk, yellow bird, wren, martin, oriole, or any song bird, under a penalty of five dollars for each bird so killed, exposed for sale or had in possession. (As amended by Laws of 1880, chap. 584.†) Eagles, etc.
Penalty.

§ 13. No person shall kill, expose for sale, or have in possession after the same has been killed, any robin, meadow lark or starling, save only during the months of October, November, December, under a penalty of five dollars for each bird so killed, exposed for sale, or had in possession. (As amended by Laws of 1880, chap. 584†) Robins, larks
and starlings.

* See chap. 430, Laws 1886, in relation to Chautauqua and Cattaraugus counties, and chap. 395, Laws 1886, in relation to Niagara county.

† See chap. 427, Laws 1886, an act for the preservation of song and wild birds, which may operate as a repeal.

Exceptions. § 14. The last two sections shall not apply to any person who shall kill any bird for the purpose of studying its habits or history, or having the same stuffed and set up as a specimen; or to any person who shall kill on his own premises any robins in the act of destroying fruit or grapes.*

Robbing nests. § 15. No person shall willfully destroy or rob the nest of any wild birds whatever, except crows, blackbirds, hawks and owls, save only where it may be necessary to protect dwelling-houses, or prevent their defacement. Any person

Penalty. violating this section shall be deemed guilty of a misdemeanor, and in addition thereto shall be liable to a penalty of five dollars for each offence.*

Trespassing. § 16. Any person who shall knowingly trespass upon inclosed or cultivated lands, for the purpose of shooting or hunting any game protected by this act, or shall take any fish from private ponds or private streams not stocked in

Notice. whole or in part by the State, or after public notice has been given by the owner or occupant thereof, or person, association or corporation hiring or leasing the exclusive right to shoot or hunt thereon or fish therein from the owner or occupant, as provided in the following section, shall be liable to such owner or occupant, "or person, association or corporation," in addition to the actual damages sustained, exemplary damages to an amount not exceeding twenty-five nor less than fifteen dollars. (As amended by chap. 243, Laws 1885.)

Notice not to trespass. § 17. The notice referred to in the preceding section shall be given by erecting and maintaining sign-boards, at least one foot square, upon at least every fifty acres of land upon or near the lot lines thereof, or upon or near the shores or banks of any lake, stream or pond, in at least two conspicuous places on premises, or by the personal service upon any person of a written or printed notice containing a brief description of the premises, the name of the owner or person in possession thereof, and such notice to have appended thereto the name of the owner or occupant, or person, association or corporation having the exclusive right to shoot or hunt thereon or fish therein. Any person who shall tear down or in any way deface or injure any such sign-board, shall be guilty of a misdemeanor, and, in addition thereto, shall be liable to a penalty of twenty-five dollars. (As amended, chap. 243, Laws 1885.)

State lands or waters not to be leased. [§ 3. Nothing in this act contained shall be construed as authorizing the leasing of any of the lands or waters belonging to the State, to any person, association or cor-

* See chap. 427, Laws 1886, an act for the preservation of song and wild birds, which may operate as a repeal.

poration for a fish or game preserve, except for fish hatching purposes. (Added by chap. 243, Laws 1885, in act amending §§ 16 and 17.)]

§ 18 No person shall at any time kill or catch or attempt to kill or catch any speckled trout, brook trout, salmon trout or land-locked salmon, with any device save that of angling with line, or rod held in the hand except in Lake Ontario and the Niagara river, and in waters which are wholly private, and in the latter only then by permission of the owner thereof ; nor shall any person set or draw any net or seine, or use any set line or set pole in any lake, pond or stream inhabited by speckled trout, brook trout, or salmon trout, or land-locked salmon, except in the waters of Lake Ontario ; but no net shall be set within one mile of the mouth of the Oswego river, or have, on the shores or waters thereof, except said Lake Ontario, any net, seine, set line, or other unlawful device for the taking of fish ; but this act shall not apply or prohibit the catching of minnows for bait, in the waters of Lake Keuka, adjacent to the shores of Yates and Steuben counties, providing the person using the nets for that purpose shall not set them, and shall only use a net with mesh not exceeding one-half inch ; said net not to exceed one hundred feet in length, five feet in depth or breadth at the ends, and ten feet in the center, to be used with ropes not exceeding one hundred feet in length, and shall throw back any trout, bass or suckers or other game fish taken, and keep only chubs, shiners and alewives, to be used as herein stated. And no person shall at any time, or in any way, catch or attempt to catch any speckled or brook trout, or salmon trout, or land-locked salmon, through the ice, except in Lake Ontario and the Niagara river, and in waters wholly private. Any person who shall offend against any of the provisions of this section shall be deemed guilty of a misdemeanor, and in addition thereto shall be liable to a penalty of twenty-five dollars for any offences against any of the provisions of this section, and ten dollars additional for each fish taken. All nets, seines, and other devices forbidden by this section to be used are hereby declared to be nuisances and contraband ; and any person finding the same in any place where they are forbidden to be used, is authorized to destroy such contraband articles, and no action for damages shall lie against him for such destruction. The phrase " private waters " is hereby defined for purposes of this and the next section only, to mean ponds or streams fed wholly by artificial sources, or by springs existing upon the same farm or tract belonging to the owner or proprie-

Trout, etc., to be caught only by angling.

Exceptions.

Fishing through the ice.

Penalty.

Nets, destruction of.

Private waters defined.

tor thereof ; or waters brought by artificial pipes, or channels other than natural, into artificial ponds or reservoirs of the owner or proprietor. (As amended by chap. 618, of Laws of 1887.)

§ 19. No person shall catch or attempt to catch, or kill or expose for sale, or have in possession after the same has

Trout, salmon,
season for.

been caught or killed, any speckled trout, brook trout, California trout or brown trout, save only from the first day of April to the first day of September in each year, except

In Forest Pre-
serve.

in the counties included in the Forest Preserve, established by chapter two hundred and eighty-three of the laws of eighteen hundred and eighty-five, where it shall not be lawful to catch, or attempt to catch or kill, or expose for sale, any speckled trout, brook trout, brown trout and California trout, save only from the first day of May to the fifteenth day of September, and salmon trout and land-locked salmon from the first day of May to the first day of October in each year. Any person who shall at any time catch, or take any California trout, speckled trout, brook trout, brown trout, salmon trout or land-locked salmon from any of the

Size of.

waters of this State, less than six inches in length, shall immediately place such trout back in the waters from which it was taken, and shall use due care not to kill or injure the same, and the catching of such fish by intent is hereby prohibited. Nor shall any person sell or expose for sale any of said fish less than six inches in length. No person shall at any time take or catch any speckled trout, brook trout, brown trout, salmon trout, land locked salmon or California trout, from any of the waters of this State

Not to be tak-
en for stocking

for the purpose of stocking a private or public pond or stream except from the waters of Lake Ontario. No person shall at any time willfully molest or disturb any of the fish mentioned in this section while they are upon their

Spawning.

natural spawning beds during the spawning season, except in the waters of Lake Ontario, nor shall any person take any of the said fish, or any spawn or milt from any of said fish while upon their natural spawning beds in any of the waters of this State (except such as are wholly private).

Penalty.

Any person violating any of the foregoing provisions of this section shall be deemed guilty of a misdemeanor, and in addition thereto shall be liable to a penalty of twenty-five dollars for each fish so caught, killed, exposed for sale or had in possession during the prohibited season aforesaid ; a penalty of ten dollars for each fish sold or exposed for sale of less than six inches long as aforesaid ; and a penalty of fifty dollars for disturbing or molesting fish upon the spawning beds, or taking spawn or milt therefrom, with

twenty-five dollars additional for each fish taken thereon. The foregoing provisions are not to apply to the operations of State or public hatcheries, or to the artificial propagation of said fish by State or public authority ; nor to the taking, transportation or possessing of fish-fry thus artificially propagated or disturbed for the stocking of waters. Owners or proprietors of private hatcheries are also exempted therefrom to the extent that they may take fish, spawn or milt in their own private waters, for the purpose of artificial propagation, inclusive of the sale, transportation and possession of fish-fry or spawn thus obtained or propagated for the purposes of stocking waters. In all other respects these provisions are to apply. No officer of the State, nor any person, shall place or deposit in any of the waters of the Adirondack region of this State (so called) any fish, or fish-fry, or spawn, or milt, except speckled trout, brook trout, brown trout, salmon trout, California trout or land-locked salmon, unless the fish so deposited or placed in such waters are indigenous to the particular water where placed, except that non-preying or non-destructive fish such as usually constitute food for the species above named, may be therein placed. Any person offending against this provision shall be deemed guilty of a misdemeanor, punishable by imprisonment in a penitentiary or county jail for a period not exceeding eighteen months or shall forfeit a penalty of five hundred dollars, or both, in the discretion of the court, for each fish or spawn deposited in violation thereof. No person, carrier, corporation, association or company shall, at any time, carry or transport or have in his or its possession for the purpose of transportation, any speckled trout, salmon trout, California trout or land-locked salmon, caught or killed in that portion of this State constituting the Forest Preserve ; and any person, carrier, corporation, association or company which has in his or its possession any such trout shall be deemed to have them in possession in violation of this section, provided, however, that they may transport from the Forest Preserve or have in possession for the purposes of transportation, speckled trout, brook trout, brown trout and California trout, from the first day of May to the first day of September, and salmon trout or land-locked salmon from the first day of May to the first day of October in any year caught or killed in the Forest Preserve, provided that they be accompanied by the owner. Any person offending against this provision shall be deemed guilty of a misdemeanor, and in addition thereto shall be liable to a penalty of fifty dollars for each trout or

Hatcheries
excepted.

Spawn.

Penalty.

Transporting.

part thereof had in possession for transportation in violation of this provision, and may be proceeded against in any county of this State in which the offender or prosecutor resides or the offender has an office for the transaction of business. (As amended by chap. 617, Laws 1887.)

Salmon trout,
etc., season
for.

§ 20. No person shall kill or expose for sale or have in his or her possession after the same has been caught or killed, any salmon trout, land-locked salmon, or lake trout caught in the inland lakes or waters of this State in the months of October, November, December, January, February and March of each year, and in Lake George the additional month of April. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and in addition thereto, shall be liable to a penalty of ten dollars for each fish so caught, killed, exposed for sale, or had in possession. (As amended by chap. 617, Laws 1887.)

Penalty.

Black bass.

§ 21. No person shall catch or kill any black bass in the waters of Lake Mahopac, or of Columbia county (or in the waters of Schroon lake or river, or Paradox lake, in the counties of Essex or Warren, or in the waters of Friend's lake in Warren county, or in the waters of Skaneateles lake in the counties of Onondaga and Cayuga, or in the waters of Lake Erie and Niagara river above Niagara Falls, on the American side, between the first day of January and the first day of July) or in Lake George or in Brant lake, in Warren county, between the first day of January and the first day of August, or catch or kill any black bass, Oswego bass, muscalonge or pike perch, commonly called wall-eyed pike, in Oneida lake, between the first day of March and the thirtieth day of May, or in any other waters of the State, between the first day of January and the thirtieth day of May, except in Lake Erie and Niagara river above Niagara Falls, on the American side, where the same shall not be caught, killed or had in possession or exposed for sale in Erie county between the first day of January and the first day of July, but this section shall not apply to salt water bass, unless alive, for artificial propagation, or the stocking of other waters, except that bass and muscalonge may be caught in the St. Lawrence, Clyde, Seneca and Oswego rivers, Lake Ontario and Lake Conesus and in Black lake, in St. Lawrence county, between the twentieth day of May and the first day of January. No person shall catch, kill or expose for sale, or have in his or her possession after the same has been killed, any black bass or fresh-water striped bass weighing less than one-half pound, or less than eight inches in length from end of snout to end of caudal

Oswego bass,
muscalonge,
pike perch.

Size and
weight of.

fin, at any time, nor catch, kill or expose for sale, after the same has been killed, any salt-water striped bass weighing less than one-half pound or less than eight inches in length from end of snout to end of caudal fin, at any time. No person shall expose for sale, or have in his or her possession after the same has been killed, any black bass, Oswego bass, fresh-water striped bass or muscalonge, save only from the twentieth day of May to the first day of January; except to the county of Erie where the same may be sold and had in possession only between the first day of July and the first day of January. Nor shall any person catch or kill, or attempt to catch or kill, any bull-heads in the waters of Lake George or in the waters of any of the inlets or creeks emptying into said lake, between the first day of April and the first day of July in any year. Nor shall any person, at any time, catch or kill, or attempt to catch or kill, in the waters of Lake George or in the waters of the inlets or creeks emptying into the same, any fish with any set line, or with any device whatever except that of angling with hook and line held in the hand. Nor shall any person catch or kill any pickerel in the waters of Lake George between the fifteenth day of February and the first day of July in any year. Nor shall any person expose for sale or have in his or her possession any pickerel caught or killed in the waters of said Lake George between the fifteenth day of February and the first day of July in any year. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and in addition thereto shall be liable to a penalty for ten dollars for each fish. (As amended by chap. 619, Laws 1887.)

When may be sold.

Lake George.
Bull-heads.

Pickerel.

Penalty.

§ 22. No person shall catch any bass, trout or other fish, in any of the waters of this State, by shutting or drawing off any portion of said waters. * * * * Any person violating this section shall be deemed guilty of a misdemeanor, and in addition thereto shall be liable to a penalty of twenty-five dollars for each offense.

Shutting or drawing off waters.

Penalty.

§ 23. No person shall kill or catch, or attempt to kill or catch, any fish, except minnows, in the waters of Lake Ontario on the American side thereof, for the distance of three miles from the mouth of the Niagara river, or Onondaga, Oneida, Seneca, or Cross lakes, or in any of their outlets or tributaries, or in the American waters of the Niagara river above Niagara Falls, in any way or manner, or by any device whatever, except with that of hook and line, and any person catching or killing any fish, except minnows, in any of the above named waters, shall be liable to a penalty of one hundred dollars for each and every offense. No

Fishing with nets, except in certain waters, prohibited.

person shall kill or catch, or attempt to kill or catch any fish, except minnows, bull-heads, eels, suckers and catfish in any of the fresh waters, or in any of the canals of this State or in the American waters of the St. Lawrence river, in any way or manner, or by any device whatever, except that of angling with a hook and line, save only in the following waters, namely : The Hudson river below the dam at Troy,* and in Lake Ontario, except Great Sodus bay, Port bay, East bay, in the county of Wayne, Henderson harbor or Henderson bay, in the county of Jefferson ;† and also except in Lake Champlain during the month of October and the first fifteen days of November ; and also except in the waters of the Walkill river within the county of Ulster, wherein it shall be lawful for any person or persons of one and the same family or household to possess and fish for suckers and eels in the waters of said river during the months of March and April and October and November with a single fyke, the meshes of which shall not be less than one inch. And also except all that part of the waters of Lake Ontario, together with its bays and inlets, lying and being in the county of Jefferson, and in that part of Oswego county lying between its Jefferson county line and the westerly line of the town of Mexico, and within one-half mile of the outlet or mouth of Salmon river, saving and excepting the shoals adjacent to Henderson bay, on the lake side from the main shore to and including Smoke Island, except during the months of November and December, which waters are hereby released from the operation of the provisions of sections twenty-three and twenty-six of the act hereby amended ; provided further that in Black lake, Mud lake and Yellow lake, in St. Lawrence county, bull-heads, eels, suckers, catfish and pickerel may be killed with a spear, except in the months of March, April and May. No person shall knowingly sell or purchase, or have in his or her possession, any fish killed, caught or taken from any such waters, contrary to the provisions of this section. And any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and in addition thereto shall be liable to a penalty of twenty-five dollars for each and every such offense. And all nets, seines, traps, weir and other devices forbidden by this section are hereby declared contraband, and any person finding the same in any place where they are forbidden is hereby

Exceptions.

Selling or having in possession.

Penalty.

* See chap. 247, Laws 1884, Railway Trestles, etc. ; see chap. 522, Laws 1886, Pound and Purse nets ; see chap. 567, Laws 1870, as to shad.

† See chap. 141, Laws 1886, and chap. 366, Laws 1887.

authorized to destroy such contraband article, and no action for damages shall lie against him for such destruction. (As amended by chap. 127, Laws 1884.) Possession of nets on shore.

§ 24. Any person having in his or her possession upon any of the waters of this State, or upon the shores of or islands in any waters of this State, inhabited by salmon, salmon trout, lake trout, black bass, Oswego bass, fresh-water striped bass or muscalonge, without the permission of the Commissioners of Fisheries, any snares, nets, stake poles or other device used in unlawfully taking such fish, shall be deemed guilty of a misdemeanor, and in addition thereto shall be liable to a penalty of twenty-five dollars; but nothing herein contained shall apply to that portion of the Hudson river south of the dam at Troy, or to Lake Ontario, or to the waters of the Walkill river in Ulster county. (As amended by chap. 11, Laws 1886.) Exceptions.

§ 25. No person, association, company or corporation shall throw or deposit, or permit to be thrown or deposited, any dye-stuff, coal tar, refuse from gas houses, saw dust, lime or other deleterious substance, or cause the same to run or flow into or upon any of the rivers, lakes, ponds, streams, or any of the bays or inlets adjoining the Atlantic ocean within the limits of this State. Any person who shall violate this section, or any member of any such company, association or corporation who shall authorize and direct any such violation, shall be guilty of a misdemeanor, and in addition thereto shall be liable to a penalty of fifty dollars for each offense. But this section shall not apply to streams of flowing or tide water, nor to the town of French Creek, in Chautauqua county, which constitutes the motive power of the machinery or manufacturing establishments, when it is absolutely necessary for the manufacturing purposes carried on in such establishments to run the refuse matter and material thereof into such stream. (As amended by chap. 430, Laws 1881. See also chap. 300, Laws 1886, *post*. See *Cartwright v. Canandaigua Gas-light Co.*, 32 Hun, 403, Supreme Court, 4th Dept., March, 1884.) Polluting streams. Penalty.

§ 26. No person shall fish in any of the waters or canals of this State with seines, gill-nets or fykes, the meshes of which shall be less than two and one-half inches, except in the waters excepted in the first section of this act and except in the following waters: In the waters over which Richmond county has civil jurisdiction, the meshes shall not be less than two inches; in the bays and salt waters, estuaries and rivers of Long Island, not less than two and one-half inches, but this prohibition shall not apply to nets used in taking "menhaden" nor to ponds where they are Sizes of meshes and fykes.

Where netting
allowed and
prohibited.

permitted by law ; in Lake Erie and Lake Ontario, the meshes shall not be less than four and one-half inches ; in the Hudson river between long dock at Piermont in the county of Rockland and the dam at Troy, the meshes shall not be less than two inches except seines, fykes or other nets used in catching bait fish ; in Coney Island creek to the mouth thereof extending out into Gravesend bay one-half mile each way, the meshes of which shall be four inches square, except that for eel and flounder fishing, hoop nets, with suitable meshes, may be used within said bay between the fifteenth day of October and the first day of April. No person shall set or take any fish by any device known as pound or trap-net, in the waters of Great South bay, except so much thereof as is within the jurisdiction of the town of Islip and not included in the Brookhaven and Smith patents, and the waters of Lake Erie, or bring any fish so taken in such waters to the shore, along the same, or be engaged in procuring or preparing for market any such fish or any part thereof, or exposing fish taken in such nets for sale, in the counties bordering on such waters. Nothing in this section shall be construed as permitting the drawing of seines in the waters of the Hudson between the upper dock at the village of Sing Sing and Croton landing, in the town of Cortland, nor in any of the waters between the above named points, nor in any portion of the Croton river, between the first day of June and the first day of October of any year, which drawing is hereby expressly forbidden, except that set nets and seines of meshes of one-half inch, may be used in any part of the Croton river and the bay in the Hudson river, lying between Croton point and the village of Sing Sing, from October first to May first of any year, for the purpose of catching smelts and frost fish, but for no other purpose. Nor shall anything in this section be construed to prevent setting of fykes in the Walkill river in Ulster county, during the months of March and April and October and November. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and in addition thereto shall be liable to a penalty of fifty dollars. (As amended by chap. 237 of the Laws of 1885.)

Pound or trap
nets.

Smelts.

Exceptions.

Penalty.

Private parks.

§ 27. Any owner or owners or lessee or lessees of lands or lands and water, whether such owner or owners, lessee or lessees be an individual or individuals, association or associations, society or societies, corporation or corporations, or any person, association or corporation having the exclusive right to shoot or hunt thereon or fish therein, desiring to lay out, devote or dedicate such lands or lands and water

for the purpose of a private park or territory for propagating or protecting fish, birds or game, shall publish at least once a week for three months, in a paper of general circulation printed in the county or counties within which such lands or lands and water are situated, a notice substantially describing the same, or containing a diagram showing substantially the location of said lands or lands and water. And there shall be inserted in said notice so published, a clause declaring that such lands or lands and water will be used as a private park for the purpose of propagating and protecting fish, birds and game; and it shall be the duty of such owner or owners, lessee or lessees, or person, association or corporation having such exclusive right to shoot or fish at any time during the publication of said notice, or within six months after the final publication thereof, to post or put up notices or sign boards warning all persons against trespassing upon such private territory, which notices or sign boards shall not be less than one foot square, and placed not more than forty rods apart along the entire boundary of said private park or territory, when the same shall consist entirely of land, and when said private park or territory shall consist of both land and water, the notices aforesaid shall be placed in conspicuous places upon said territory so there shall be at least one notice or sign board so placed or erected for every one hundred acres of said territory. And when the property to be protected shall consist of a lake or pond only, said notices shall be placed in at least four conspicuous places upon the shore of such lake or pond. But when said territory or any part thereof, shall be inclosed by a fence or fences of reasonable capacity for protection of said premises, then notices or sign boards of the dimensions aforesaid shall be placed on said fence or fences not more than one-half mile apart. After any such territory shall be dedicated and designated as aforesaid, all fish, birds and game, of, in or upon said territory, shall be the property of the owner or owners, lessee or lessees thereof, or of the person, association or corporation having the exclusive right to shoot, hunt or fish thereon. (As amended by chap. 623, Laws of 1887.)

Notice to be published.

Sign boards to be erected.

Game in, to be private property.

§ 28. After any such territory shall have been dedicated and designated as a private park in such manner as to render such fish or game private property, no person shall catch or take from or kill any fish, birds or game in or upon said grounds or the waters thereon, or put on such grounds or in any such waters, any poisonous or other deleterious substance, or pisciverous fish, or let off the waters from said grounds, with intent to take fish, or to destroy the fish

Taking game, etc., from private parks prohibited.

Trespassing
and mischief
prohibited.

or eggs placed in such waters, or deface or destroy any sign or notice posted or put up as aforesaid, or place any object against or near such fence or inclosure, with the intent to aid dogs or other animals to get into said grounds, or to enable animals kept therein to escape therefrom, or enter upon any such ground with the implements or weapons for catching, taking or killing fish, birds or game, with the intention of catching, taking or killing any fish, birds or game thereon, except that the person, association or corporation having the exclusive right to shoot, hunt or fish thereon, or any person possessing a written permit from such person, association or corporation, shall have the right to shoot or hunt on said lands and fish in said waters, and to enter upon said lands with dogs and kill and take birds or game and catch and take fish therefrom. Any person found guilty of any offence against this section shall be deemed guilty of a misdemeanor, and in addition thereto, shall be liable to the owner or lessee or to the person, association or corporation having the exclusive right to shoot, hunt or fish thereon, in addition to the actual damages incurred, in exemplary damages to the amount of twenty-five dollars. (As amended by chap. 623, Laws of 1887.)

Penalty.

Sign boards at
State fishways.

§ 29. The commissioners of fisheries of this State are hereby required and directed to erect and maintain, at a distance of eighty rods from any fishway established or constructed by the State, in any stream or water-course within its boundaries, sign-boards, on which shall be plainly painted or inscribed the words following, to wit: "Eighty rods to the fishway; all persons are by law prohibited from fishing in this stream between this point and the fishway;" said sign-board to be erected on both sides of the stream, above and below the fishway.

Fishing within
eighty rods of
a State fishery
prohibited.

§ 30. No person shall catch, take or kill, or attempt to catch, take or kill, with any implements or device whatever, any fish within a distance of eighty rods from any fishery established by the State, within any stream or water-course within its boundaries, or tear down or deface or destroy any sign-board put up by the commissioners of fisheries of this State. Any person violating any of the provisions of this section, provided the sign-boards mentioned in the preceding section shall have been erected and maintained as directed by this act, shall be deemed guilty of a misdemeanor, and in addition thereto shall be liable to a penalty of twenty-five dollars.

Penalty.

Bounty for
wolves and
panthers.

§ 31. A State bounty of thirty dollars for a grown wolf, fifteen dollars for a pup wolf, and twenty dollars for a panther, shall be paid to any person or persons who shall kill

any of said animals within the boundaries of this State. The person or persons obtaining said bounty shall prove the death of the animal so killed by him or them, by producing satisfactory affidavits, and the skull and skin of said animal, before the supervisor and one of the justices of the peace of the town within the boundaries of which the said animal was killed. Whereupon said supervisor and justice of the peace, in the presence of each other, shall burn and destroy the said skull, and brand the said skin so that it may be thereafter identified, and issue to the person or persons claiming and entitled to the same, an order on the treasurer of the county to which said town belongs, stating the kind of animal killed, the date of killing of the same, and the amount of the bounty to be paid in virtue of the within section of this act, and the county treasurers of this State are hereby authorized and directed to pay all orders issued as aforesaid; and all orders issued in the manner aforesaid, and paid by the treasurer of any county in this State, shall be a charge of said county against the State, the amount of which charge, on delivery of proper vouchers, the comptroller is hereby authorized and directed to allow in the settlement of taxes due from said county to the State.

§ 32. There shall be no shooting, hunting, trapping or caging of birds or wild beasts, or having in possession in the open air for such purpose the implements for the shooting, hunting, trapping or caging of the same, on the first day of the week, called Sunday; and any person violating either of the provisions of this section shall be deemed guilty of a misdemeanor, and in addition thereto shall be liable to a penalty of twenty-five dollars for every such offense. (See secs. 265, 269, Penal Code.)

§ 33. All penalties imposed by this act may be recovered, with costs of suit, by any person in his own name, or by any society in its name, upon such society giving security for costs, before any justice of the peace in the county where the offense was committed, or in an adjoining county, when the amount does not exceed the jurisdiction of such justice, or when such suit shall be brought in the city of New York, before any justice of the district court, or of the marine court of said city; and such penalties may be recovered in the like manner in any court of record in the State; but on recovery by the plaintiff in such case for a less sum than fifty dollars, the plaintiff shall only be entitled to costs to an amount equal to the amount of such recovery; and it shall be the duty of any district attorney in this State, and he is hereby required to prosecute, or to commence

actions, in the name of the people of this State, for the recovery of the penalties allowed hereby, upon receiving proper information; and in all actions brought by such district attorney, one-half of the penalty recovered shall belong to persons giving information on which the action is brought, and the other half shall be paid to the treasurer of the county in which such action is brought. All judgments recovered in pursuance of the provisions of this act, with the interest thereon, may be collected, and the payment thereof enforced by execution against the person; and any person imprisoned upon any such execution shall be so imprisoned for a period of not less than five days, and at the rate of one day for every dollar or fractional part thereof of such judgment and interest when the same exceeds five dollars; and such imprisonment shall not be satisfaction of such judgment; but no person shall be more than once imprisoned upon any such judgment or execution, and two or more penalties may be included in the same action.

Judgments,
how enforced.

§ 34. Any person who shall be found guilty of a misdemeanor under any of the provisions of this act shall, upon conviction, be punished by a fine of not less than five dollars, nor more than at the rate of one dollar for every dollar of the penalty provided by the section so violated, when the same exceeds five dollars, or by imprisonment in the county jail or penitentiary for a period of not less than five days, nor more than at the rate of one day for every dollar of any such penalty, or by such fine and imprisonment, in the discretion of the court.

Misdemeanor,
how punished.

§ 35. Courts of special sessions in towns and villages, and the several courts in cities having jurisdiction to try other misdemeanors, shall have jurisdiction to try offenders in all cases occurring under this act in the same manner as in other cases where they now have jurisdiction, and to render and enforce judgment accordingly. All fines recovered by the provisions of this act shall be paid over by the court receiving the same to the treasurer of the county wherein the offense was committed, except in the county of New York, and in the county of New York to the chamberlain in the city of New York, within ten days after their reception by such court, and such moneys shall be kept by such treasurer or chamberlain as a separate fund, to be applied to the enforcement of the provisions of this act, in such manner as the board of supervisors of the several counties, except in the city and county of New York, and in such city and county the board of aldermen may direct, either for the employment of special detectives or the payment of rewards

Courts.

Fines.

for the detection and arrest of offenders, and each of the boards of supervisors of this State shall have power to raise by tax, in the same manner as other taxes are raised for county purposes such sum, not exceeding one thousand dollars in any year, as they shall deem proper to further aid in the enforcement of the provisions of this act. It shall be the duty of every sheriff, under-sheriff, deputy sheriff, officer of police or policeman, and of every constable and every game constable, and every bay constable to arrest, wherever found within this State without warrant, any person whom they shall find violating any of the provisions of this act, and immediately to bring such offender before the nearest magistrate having jurisdiction of the offense for examination and for trial. Any officer or magistrate who shall neglect or refuse diligently to enforce the provisions of this act, upon proper information and complaint, shall be deemed guilty of a misdemeanor, and shall be punished by a fine or imprisonment, or by both such fine and imprisonment in the discretion of the court.

Taxes.

Duties of sheriff, etc.

Penalties for failure to act.

§ 36. Any person may sell or have in possession any hare or rabbit or any woodcock, any ruffed grouse commonly called partridge, any pinnated grouse commonly called prairie chicken, and any black or gray squirrel during the month December, and any quail from the first day of January to the first day of February and any fresh venison from the fifteenth day of November to the fifteenth day of December and shall not be liable for any penalty under this act, provided he proves that such game was lawfully killed during the periods allowed by this act and not transported contrary to the provisions thereof. (As amended by chap. 194, Laws 1886.)

Woodcock, partridge, grouse, squirrel, venison.

§ 37. It shall be lawful for the board of supervisors of any county, at their annual meeting, to make any regulations or ordinances protecting other birds, fish or game than those mentioned in this act, and also for the further protection of such birds, fish or game as are in this act mentioned, except wild deer, and to this end to prohibit hunting or fishing in particular localities or waters lying within their respective counties, for limited periods and during certain months of the year, and to prescribe punishments and penalties for the violation thereof, and adopt all necessary measures for the enforcement of such punishment and the collection of such penalties. And such regulations and ordinances shall be published in the papers in such county in which the session laws are published; and a certified copy thereof shall be filed in the office of the clerk of the county; provided, however, that nothing herein contained

Boards of supervisors to pass laws.

To be published.

shall be construed as conferring upon the board of supervisors of any county the right or authority to prohibit the owner or owners, in whole or in part, of lands and waters wholly private, or the lessee or lessees thereof, whether such owner or owners, lessee or lessees be an individual or individuals, association or associations, society or societies, corporation or corporations, from angling and taking fish in a lawful manner during the months now allowed by the laws of this State. This act is intended to apply only to such owner or owners, in whole or in part, of lands and waters, or the lessee or lessees thereof, who shall have complied with the provisions of section twenty-seven of said chapter five hundred and thirty-four of the Laws of eighteen hundred and seventy-nine, and the acts amendatory thereof. (As amended by chap. 212, of the Laws of 1884.)

§ 38. It shall be lawful for the boards of supervisors of the several counties of this State, except as by this section hereinafter further provided as to the county of Kings, by the affirmative vote of a majority of the members elected, at a regular meeting of such boards, respectively, to authorize the election in each or any of the towns or cities of their respective counties of one or more officers to be designated game constable, who shall be chosen at town meetings as other town officers are chosen, and hold office for the term of one year; and he or they shall take the oath of office the same, and be invested with and have the same powers in serving process under this act, that town constables now possess in serving civil process; but such game constable for the entire county of Kings may be appointed by the board of supervisors at any regular meeting, and he or they shall hold office to the last day of December next after his appointment, and until his successor shall be appointed and qualified; and all suits prosecuted by such game constable for the county of Kings, for penalties under the provisions of this act, may be prosecuted in the county court of Kings county, or in the city court of Brooklyn; and in case a recovery shall be had in such suits for less than fifty dollars, the plaintiff shall be entitled to costs to the amount of such recovery. Warrants of arrest may be issued by such courts in such actions prosecuted by the game constable of Kings county, as in cases provided for by section one hundred and seventy-nine of the Code of Procedure, except that no undertaking shall be required on behalf of the plaintiff, and the judgments may be enforced by execution against the person, and the sheriff of said county shall not be entitled to any deposit or pay from the plaintiff under the provisions of chapter eight hundred and thirteen of the laws of

Game constables.

Kings county.

Duties and powers of.

eighteen hundred and sixty-nine. It shall be the duty of the game constable, after reliable information, to prosecute all violations of this act, and he shall receive such compensation for his services as is allowed by law for like services to constables of towns, and also one-half of all penalties recovered by him for violations of this act. In cases of neglect or refusal of any game constable to prosecute any such violation, he shall forfeit the penalty of twenty-five dollars, to be sued for and recovered as specified in this act. Whenever any game constable shall fail to recover the penalty in any prosecution commenced by him pursuant to this section, the cost of suit incurred by him shall be charged against the county, and it shall be the duty of the board of supervisors of the county to audit and allow the same, as other county charges are audited and allowed. * * * *

Costs of suit.

Courts that
can issue
warrants.

§ 39. Any justice of the marine or district court in the city of New York, or any justice of the peace, police or other magistrate, upon receiving sufficient security for costs on the part of the complainant, and sufficient proof by affidavit that any of the provisions of this act have been violated by any person being temporarily within its jurisdiction, but not residing there permanently, or by any person whose name and residence are unknown, is hereby authorized to issue his warrant for the arrest of such offender, and to cause him to be committed or held to bail to answer the charge against him; and any such justice or magistrate, upon receiving proof or probable cause for believing in the concealment of any game or fish mentioned in this act, and taken during any of the periods prohibited, and upon the complainant's giving security, to be approved by such magistrate, for the damage which the defendant in the case may sustain in consequence of the complaint, provided he shall be found not to have violated the law, shall issue his search warrant and cause search to be made in any house, market, boat, car or other building, and for that end may cause any apartment, chest, box, locker, crate or basket to be broken open and the contents examined.

Search war-
rants.

§ 40. All acts and parts of acts for the preservation of wild deer, birds, fish and game, including section 2 of chapter 183 of the Laws of 1875, are hereby repealed, except such acts and parts of acts as relate to the commissioners of fisheries, and the establishment of fishways, the construction of dams across the rivers of this State, the protection and preservation of shell fish, the incorporation of any company for the protection and propagation of fish and game, the election of bay constables, the laws conferring

Repeal.

upon the boards of supervisors special powers to legislate for the protection of fish, birds and game, and the laws regulating shad fishing ; saving, nevertheless, so much of said acts as may be necessary to sustain any right of recovery or condition thereunder for actions or prosecutions heretofore commenced.

Penalties,
how divided.

§ 41. One moiety of the penalties hereinbefore prescribed, shall be given to the informant, upon conviction of the offender or offenders, and the collection thereof. It shall be lawful to fish through the ice and to take fish, except trout, black bass and pike, with spear and set lines, in the waters of Seneca lake, Lake Keuka and Canandaigua lake. (As amended by chapter 618, of the Laws of 1887).

Lake Keuka
and Canan-
daigua lake.

Constables.

§ [42.] Any action brought or prosecuted by any district attorney pursuant to the provisions of the act hereby amended, may be discontinued by such district attorney, and neither costs nor disbursements in such action shall be recovered by any defendant therein. (Sec. 6 of chap. 531, Laws of 1880.)

California
trout.

§ [43.] No person shall take, catch or kill any California trout in any of the waters of this State, in any way or by any device, between the fifteenth day of May and the first day of September. No person shall knowingly sell or purchase or have in possession any California trout, killed, taken or caught in the waters of this State during the period aforesaid. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and in addition thereto shall be liable to a penalty of twenty-five dollars for each offense. (Sec. 7 of chap. 531, Laws 1880 ; sec. 19 of general act as amended).

Penalty.

Game con-
stables, sher-
iffs, etc.
powers of.

§ [44.] Game constables, constables, sheriffs and deputy sheriffs, shall have the same powers as are conferred upon game protectors for the enforcement of the provisions of chapter five hundred and thirty-four of the Laws of eighteen hundred and seventy-nine and the amendments thereto, and shall be entitled to the same fees therefor. (Sec. 2 of chap. 429, Laws 1886).

Salmon trout
caught in
western lakes.

§ [45.] This act shall not apply to salmon trout or land-locked salmon caught in lakes Michigan, Superior, Huron or St. Clair, or in the waters adjacent thereto or connecting the same. (Added by chap. 596, Laws of 1887).

OTHER GENERAL ACTS.

Chap. 498, Laws 1887.

AN ACT authorizing possession and sale in the city of New York of Salmon trout and certain other varieties of fish taken from waters outside of this State.

SECTION 1. It shall be lawful to have in possession and to sell within the city of New York, at any time, salmon trout sometimes known as lake trout, also the large mouthed black bass of North Carolina and Virginia, locally known as chub, and pike perch, sometimes known as wall-eyed pike, said varieties of fish to be lawfully taken from waters outside of this State. Trout, bass, etc. caught out of State.

§ 2. None of the provisions of laws heretofore enacted for the preservation of fish or other game within this State shall be construed to prohibit or interfere with the possession or sale in the city of New York only, of the above specified fish taken from waters outside of this State, provided that it be proven in any action or prosecution for such possession or sale, that such fish was lawfully taken from waters outside of this State.

Chap. 530, Laws 1887.

AN ACT for the protection and preservation of Salmon in the waters of this State.

PASSED June 6, 1887 ; three-fifths being present.

SECTION 1. No person shall at any time kill or catch, or attempt to kill or catch, salmon in the waters of this State with any device or in any manner, save that of angling with line or rod held in hand. Salmon.

§ 2. No person shall catch, or attempt to catch or kill, any salmon in said waters save only from the first of March to the fifteenth day of August in each year. Season.

§ 3. Any person using nets in that part of the Hudson river within the jurisdiction of this State, in fishing for Caught in nets to be restored.

other fish allowed to be taken therein by nets, shall upon catching any salmon immediately return and restore the same to the water without injury. The foregoing provisions are not to apply to the operations of State or public hatcheries or to the artificial propagation of said fish by State or public authority.

Penalty.

§ 4. Any person violating any of the foregoing provisions of this act shall be deemed guilty of a misdemeanor, and, in addition, shall be liable to a penalty of one hundred dollars, or one day's imprisonment for each dollar of fine; any informer to receive one-half of said fine. Actions for any violations of this act may be brought before any justice of the peace in any county which borders on the river or water opposite where the offense was committed without regard to channel boundaries.

§ 5. All acts inconsistent with this act are hereby repealed.

Chap. 300, Laws 1886.

AN ACT for the protection of the natural oyster beds located in the waters of the State of New York.

Pollution of
waters.

SECTION 1. It shall not be lawful for any person or persons, corporation or corporations, to place, or cause to be placed, in any manner whatsoever, in any waters within the jurisdiction of the State, any sludge acid or other refuse matter, resulting from the manufacture, or process of manufacture, or treatment of crude or refined material from any oil refinery or oil works, any sugar refinery or sugar works, or from any gas house, or building or buildings used for the making of gas, or to deposit in said waters any substance injurious to oyster culture, provided, however, that nothing in this section shall be held to apply to any refuse from the manufacture or handling of crude or refined oil and guano made from menhaden or other oil-bearing fish.

Cinders, ashes,
etc.

§ 2. It shall not be lawful to throw or cause to be thrown from any boat, scow or vessel whatsoever, into the waters of Long Island Sound or into the bays and harbors opening into the same, west of a line drawn from Eaton's Neck, due north to the boundary line between New York State and the State of Connecticut, any cinders, ashes, refuse or garbage.

§ 3. Any person or corporations violating the provisions of either of the foregoing sections of this act shall be adjudged guilty of a misdemeanor.

§ 4. The oyster commissioner is hereby authorized to appoint a person, who shall be known as the State Oyster Protector, whose duty it shall be to patrol, under the direction of said oyster commissioner, the oyster regions of the State, for the purpose of enforcing the provisions of this act, and, in a general manner, guarding the oyster property of the State. The salary of said protector shall be one thousand dollars per year, and his salary shall be paid in the same manner and he shall be in all respects on the same footing as the game and fish protectors of the State, appointed under chapter five hundred and ninety-one, Laws of eighteen hundred and eighty. Besides his salary the protector shall be allowed his actual traveling and incidental expenses, not to exceed two dollars per day, and the oyster commissioner may, at his discretion, allow the said protector an assistant, who shall be paid at the rate of two dollars and fifty cents per day for the time of actual service.

Oyster protector.

Salary.

Chap. 361 of the Laws of 1879.

AN ACT for the preservation of song and small birds.

SECTION 1. No person shall kill, wound, trap, net, snare, catch with bird lime, or with any similar substance or drug, or in any other manner capture, or sell, or expose for sale or transport, during the months of April, May, June, July, August, September or October in any year, any bird of song, or any linnet, blue bird, yellow hammer, yellow bird, thrush, woodpecker, cat bird, pewee, swallow, martin, blue jay, oriole, kildee, snow bird, grass bird, gross beak, phoebe bird, humming bird, black bird, wren, excepting birds bred in a cage or imported from Europe or the southern United States. No person shall kill or expose for sale, or have in his possession after the same has been killed, any robin, meadow lark, or starling between the first day of January and the fifteenth day of October, save only when such birds are killed on premises of the person killing, and while they are destroying fruit. This section shall not apply to any person who shall kill any bird for the purpose of studying its habits or history or having the same stuffed and set up as a specimen. This act shall apply only to the counties of New York, Kings, Albany, Richmond and Rensselaer.

Song birds and certain other, when not to be killed.

Robins, meadow larks and starlings.

Exceptions.

Application of act.

§ 2. Any person violating this act shall be deemed guilty of a misdemeanor, punishable by imprisonment in the

Penalty.

county jail or penitentiary, of not less than five or more than thirty days, and shall also be liable to a penalty of fifty dollars, to be recovered with costs, by any person suing therefor in his own name.

Division of

§ 3. In all actions for the recovery of penalties under this act, one-half of the recovery shall belong to the plaintiff, and the remainder shall be paid to the county treasurer of the county where the offense was committed, except if the offense be committed in the city and county of New York then said remaining half penalty shall be paid to the chamberlain of said city.*

Chap. 427, Laws 1886.

AN ACT for the preservation of song and wild birds.

Killing, etc.
of song and
wild birds
forbidden.

SECTION 1. No person in any of the counties of this State, shall kill, wound, trap, net, snare, catch with bird lime, or with any similar substance, poison or drug, any bird of song or any linnet, blue bird, yellow hammer, yellow bird, thrush, woodpecker, cat-bird, pewee, swallow, martin, blue-jay, oriole, kildee, snow bird, grass bird, gross beak, bobolink, phoebe bird, humming bird, wren, robin, meadow lark or starling, or any wild bird, other than a game bird. Nor shall any person purchase, or have in possession or expose for sale any such song or wild bird, or any part thereof, after the same has been killed. For the purposes of this act the following only shall be considered game birds: the Anatidæ, commonly known as swans, geese, brant, and river and sea ducks; the Rallidae, commonly known as rails, coots, mud-hens and galli mules; the Limicolæ, commonly known as shore birds, plovers, surf-birds, snipe, woodcock, sand pipers, tattlers and curlews; the Gallinae, commonly known as wild turkeys, grouse, prairie-chickens, pheasants, partridges and quails.

"Game birds"
defined.

Nests or eggs.

§ 2. No person shall take or needlessly destroy the nest or eggs of any song or wild bird.

Scientific use
excepted.

§ 3. Sections one and two of this act shall not apply to any person holding a certificate giving the right to take birds, and their nests and eggs, for scientific purposes, as provided for in section four of this act.

Certificates for
collectors.

§ 4. Certificates may be granted by any incorporated society of natural history in the State, through such persons or officers as said society may designate, to any properly

* Probably repealed by chap. 427, Laws 1886, *infra*.

accredited person of the age of eighteen years or upward, permitting the holder thereof to collect birds, their nests or eggs, for strictly scientific purposes only. In order to obtain such certificate, the applicant for the same must present to the person or persons having the power to grant said certificates, written testimonials from two well-known scientific men, certifying to the good character and fitness of said applicant to be entrusted with such privilege; must pay to said persons or officers one dollar to defray the necessary expenses attending the granting of such certificates; and must file with said persons or officers a properly executed bond, in the sum of two hundred dollars, signed by two responsible citizens of the State as sureties. This bond shall be forfeited to the State, and the certificate become void upon proof that the holder of such a certificate has killed any bird, or taken the nest or eggs of any bird for other than the purposes named in sections three and four of this act, and shall be further subject for each such offense to the penalties provided therefor in sections seven and eight of this act. (As amended by chap. 373, Laws 1887.)

§ 5. The certificates authorized by this act shall be in force for one year only from the date of their issue, and shall not be transferable.

§ 6. The English or European house sparrow (*Passer domesticus*) is not included among the birds protected by this act, and it shall be considered a misdemeanor to intentionally give food or shelter to the same. The crow, hen-hawk, owl and black-bird are not protected by this act. It shall be lawful to shoot robins and blackbirds on Long Island and Staten Island from the first day of November to the first day of January in each year. (As amended by chap. 641, Laws 1887.)

§ 7. Any person or persons violating any of the provisions of this act shall be deemed guilty of a misdemeanor, punishable by imprisonment in the county jail or penitentiary, of not less than five or more than thirty days, or to a fine of not less than ten or more than fifty dollars, or both, at the discretion of the court.

§ 8. In all actions for the recovery of penalties under this act, one half of the recovery shall belong to the plaintiff, and the remainder shall be paid to the county treasurer of the county where the offense is committed, except if the offense be committed in the city and county of New York, the remaining one-half shall be paid to the chamberlain of said city.

§ 9. All acts or parts of acts inconsistent with, or contrary to the provisions of this act, are hereby repealed.

APPOINTMENT OF FISH AND GAME PROTECTORS.

Chapter 591 of the Laws of 1880, as amended by chapter 317 of the Laws of 1883, entitled

“AN ACT for the appointment of Game and Fish Protectors,” passed June 26, 1880.

Game pro-
tectors.

Number of.

May bring
actions.

Terms of
office.

Vacancies.

District at-
torney.

Witnesses'
fees and dis-
bursements.

SECTION 1. The governor is hereby authorized, upon the passage of this act, to appoint eight, and he may in his discretion increase the number of said appointments to sixteen persons, to be known as game and fish protectors, whose duty it shall be to enforce the statutes for the preservation of moose, wild deer, birds and fish, or any other game laws, and to bring, or cause to be brought, actions and proceedings in the name of the people of the State, to recover any penalties or amounts, or to punish any parties for the violation of said statutes or laws. Such actions may be brought in the name of the people in the like cases, in the same courts and under the same circumstances as they might now or may hereafter be brought by any individual under or by virtue of any existing or hereafter enacted statute, for the protection of deer, game and fish, or any of them. Such protectors and their successors, who shall be appointed by the governor, shall hold office for three years from the date of their appointment. All vacancies shall be filled by the governor. The district attorney of any county of this State shall, upon the request of any one of such protectors, commence and prosecute to termination, in the name of the people, actions and proceedings against any person reported to him by such protector to have violated any such statute or laws, for the recovery of the penalty for violation thereof, or for the punishment of the person violating the same. Witnesses' and other fees and disbursements and full costs shall be included in any judgment in favor of the people at the rates fixed by section three thousand two hundred and fifty-one of the Code of Procedure, without reference to the amount of recovery. All money necessary for witnesses' fees and disbursements in any such action shall, on the requisition of the district attorney, be advanced by, and all moneys, except costs, which shall belong to the district

attorney, recovered in any action, and all fines collected shall be paid to the treasurer of the county in which the actions or proceedings shall have been commenced; and the district attorney or treasurer of such county, upon the payment of any judgment, may satisfy the same of record, as the attorney for the people. One-half of all moneys thus paid into any county treasury, over and above the amount necessary to reimburse the county for any outlays or expenses paid out by the county treasurer under this act, shall be paid on or before the thirtieth day of September in each year into the State treasury, and become and be part of the general fund. And the remaining one-half of all such moneys, over and above the amount necessary to reimburse the county for any outlays or expenses paid out by the county treasurer, under this act, shall be paid to and belong to the game and fish protectors who bring, or cause to be brought, the action or proceeding in which such fine or penalty shall be recovered, and shall be paid to him by the county treasurer within thirty days after the same shall be received by him from the district attorney, upon the certificate of the district attorney that such action or proceeding was brought, or caused to be brought, by such game and fish protector. (Chap. 317, sec. 1, Laws 1883.)

Recoveries,
how divided.

§ 2. Any net, pound or other means or device for taking or capturing fish, or whereby they may be taken or captured, set, put, floated, had, found or maintained in or upon any of the waters of this State, or upon the shores of or islands in any of the waters of this State, in violation of any existing or hereafter enacted statutes or laws for the protection of fish, is hereby declared to be and is a public nuisance, and may be abated and summarily destroyed by any person, and it shall be the duty of each and every protector aforesaid, and of every game constable, to seize and remove and forthwith destroy the same, and the expense of any seizure, removal and destruction of such net, pound or other means or device as aforesaid, shall be a county charge against the county in which the same shall have been so seized, and shall be paid as other county charges are paid, on the certificate, which shall be final, of such protector, which certificate shall state the time and place of such seizure and destruction, the names of the persons employed therein, the time spent thereabout, and the money advanced, if any, and to whom, and shall be verified by the oath of such protector or person as aforesaid making such seizure and destruction; and no action for damages shall lie or be maintained against any person for or on account of any such seizure or destruction. (Sec. 2, chap. 317, Laws 1883.)

Nets, etc.
may be de-
stroyed.

Arrests
without
warrant.

§ 3. The said protectors, or any one of them, may, without warrant, arrest any person violating any of the provisions of any statute now or hereafter enacted and in force at the time for the protection of moose, wild deer, birds and fish, or any of them, and take such person before a justice of the peace or police justice, or other magistrate having jurisdiction, who shall proceed without delay to hear, try and determine the matter, and give and enforce judgment according to the allegations and proofs. (Sec. 3, chap. 591, Laws 1880.)

Salary and
expenses.

§ 4. The traveling expenses, not to exceed two hundred and fifty dollars for each of said protectors in any one year, to be audited by the comptroller of this State before payment, and an annual salary of five hundred dollars, shall be paid to each protector by the treasurer of the State, out of any moneys not otherwise appropriated. (Sec. 4, chap. 591, Laws 1880.)

Game pro-
tectors to
report.

§3. It shall be the duty of each of the several game and fish protectors appointed or who may be appointed under this act, to file in the office of the State comptroller, during the month of December in each year, an account stating the days and parts of days spent in the discharge of his duty as such protector, the kind of service rendered on such days or parts of days, and the place or places where rendered, and the expenses paid or incurred in the time of the discharge of such duties; which statement shall be verified by the oath of such protector, stating that the same is correct and true in every particular. (Sec. 3 of chap. 317, Laws 1883.)

Game protec-
tors under su-
pervision of
commission-
ers of fisheries.

§ 4. For the purpose of the more effectual enforcement of the provisions of this act, the game and fish protector shall be subject to the supervision and direction of the commission of fisheries, who shall divide the territory of the State into protection districts, and shall assign to each protector his district, and shall have authority also, to assign for temporary duty in any district, a protector from any other district. The said commissioners shall require of each protector, at the close of each calendar month, a report in writing, and in detail, stating the service performed by each protector during the last preceding month, including an account of the suits commenced at his instance, the disposition made of such suits, the result of any brought to trial and the condition of any undisposed of; and no payment for services performed, or traveling expenses paid by any protector shall be made until the claimant shall present to the comptroller, in addition to the usual oath of performance and payment, a certificate from the said com-

Reports.

missioners that he has made the report required by this act, and has in all other respects faithfully performed his official duty. The commissioners of fisheries shall report to the governor all cases of dereliction or neglect of duty of any protector which shall come to their knowledge, together with such evidence as they may have touching the case, and the governor shall have authority to remove from office any protector so reported to be delinquent, after giving him an opportunity to be heard in his defense. (Sec. 4 of chap. 317, Laws 1883.)

Removal of.

COMMISSIONERS OF FISHERIES.

Chap. 285, Laws 1868, as amended.

AN ACT to appoint Commissioners of Fisheries for the State of New York.

SECTION 1. A commission of fisheries for the State of New York is hereby established.

§ 2. It shall be the duty of the commissioners to examine the various rivers, lakes and streams of the State of New York, and the waters adjoining the same, with a view of ascertaining whether they can be rendered more productive of fish, and what measures are desirable to effect this object, either in restoring the production of fish in them, or in protecting or propagating the fish that at present frequent them, or otherwise; and such commissioners shall report the result of their labors, and any recommendations they may have to offer, at the next meeting of the Legislature of this State. (Chap. 285, Laws 1868.) That it shall be the duty of the commissioners, in addition to the duties imposed upon them by said act, to establish the artificial propagation of shad, white fish and salmon trout, in the waters of this State, at such point or points as they may select, and to employ the necessary labor to conduct the same, and to take such other steps toward improving the fisheries of this State as they shall think advisable, at an expense in all, however, not exceeding the sum hereby appropriated. (Added by chap. 567, Laws 1870.) It shall be the duty of the commissioners of fisheries of the State of New York, to examine the streams of water in the various counties of this State and to take reasonable steps for the

Duty of to establish hatcheries.

Examine streams.

propagation of trout, in such streams as in their judgment can be rendered more productive. (Added by chap. 309, Laws 1879, § 1.)

Commission-
ers named.

§ 3. Horatio Seymour, Seth Green and Robert B. Rosevelt are appointed commissioners under this act, to hold office for two years, and a sum of one thousand dollars is appropriated for their necessary expenses in carrying this act into effect, which the treasurer shall pay to them on the warrant of the comptroller, from time to time, as their voucher for such expenses shall be exhibited and approved.

Vacancies.

(Sec. 3 of chap. 285, Laws 1868.) All vacancies occurring in said commission shall be filled by the governor of the State, and the term of office is hereby extended three years, the commissioners being required to report yearly on the condition of the fisheries of the State, and the matters under their charge. (Sec. 2 of chap. 567, Laws 1870.)

Salary,

The fishery commission of the State of New York, created by act passed April twenty-second, one thousand, eight hundred and sixty-eight (Laws 1868, chap. 285), is continued with the powers conferred upon them by the said act. The commissioners to receive no salary, and to expend only such sums as have heretofore been appropriated or shall hereafter, from time to time, be appropriated for such purpose. (Sec. 1 of chap. 74 of the Laws of 1873.) The governor is authorized to appoint a resident of the counties of either Kings, Queens or Suffolk an additional member of the commissioners of fisheries of the State of New York, and to supply his place, should a vacancy occur therein, as provided in chapter 567 of the Laws of 1870. (Sec. 2 of chap. 309 of the Laws of 1879.)

Commission-
ers from
Kings,
Queens and
Suffolk.

Shad.

§ 3. No person shall take from the Hudson River any shad at any other time than between the fifteenth day of March and the fifteenth day of June in each year, and every person who shall at any other time, take any shad, or set or draw any net or seine in said river, or aid or assist therein, for the purpose of taking shad, shall forfeit the sum of one hundred dollars to the treasury of the State, and their nets shall be confiscated; provided that nothing in this section shall apply to taking of fish by orders of the commissioners for the purpose of artificial or natural propagation of the same, or when the parties, authorized to take fish contrary to the provisions hereof, have stipulated to hatch fish under the directions of the commissioners. (Sec. 3 of chap. 567, Laws 1870.)

Penalty.

Suits and
penalties.

§ 5. All penalties imposed under the provisions of this act may be recovered, with costs of suit, by the commissioners of fisheries in their official name, or by any person

or persons in his or their own names, by suit in the supreme court or any court of record in this State. On the non-payment of any judgment, when recovered in pursuance hereof, the defendant shall be committed to the common jail of the county, for the period which shall be computed at the rate of one day for each dollar of the amount of the judgment. (Sec. 5, Laws of 1870, chap. 567.)

§ 6. When any pound, weir, or net is liable to be confiscated under any provisions of this act, it shall be the duty of the commissioners either to take possession of the same and employ the necessary agents therefor, subject to an action against them in their official capacity, by any claimant or claimants, on the ground that the same was not liable to confiscation, or they may institute a suit in the Supreme Court, or any court of record, for the confiscation of said pound, weir or net, in which case the said court may issue a warrant directing the sheriff to attach and safely hold such pound, weir or net, until said action shall be determined, and the suit shall be tried and judgment rendered according to the practice usual in cases of an analogous character. (Sec. 6, Laws 1870, chap. 567.)

Judgments,
how en-
forced.

Nets to be
confiscated.

Suits.

FOREST PRESERVE.

Chap. 283, Laws 1885.

AN ACT to establish a forest commission, and to define its powers and duties and for the preservation of forests.

PASSED May 15, 1885.

§ 7. All the lands now owned or which may hereafter be acquired by the State of New York, within the counties of Clinton, excepting the towns of Altona and Dannemora, Essex, Franklin, Fulton, Hamilton, Herkimer, Lewis, Saratoga, St. Lawrence, Warren, Washington, Greene, Ulster and Sullivan, shall constitute and be known as the forest preserve.

Forest
preserve.

§ 8. The lands now or hereafter constituting the Forest Preserve shall be forever kept as wild forest lands. They shall not be sold, nor shall they be leased or taken by any person or corporation, public or private.

To be kept as
forest.

Chap. 562, Laws 1887.

AN ACT to establish parks for the propagation of deer and other game upon lands belonging to the State situated in the Catskill regions.

- Parks in Catskills.
- SECTION 1. The Forest Commission is hereby authorized and directed to set apart tracts of land not exceeding three in number of such size as they may deem proper belonging to the State in the Catskill region, now constituting a part of the Forest Preserve, for the purpose of breeding of deer and wild game.
- Rules.
- § 2. Said Forest Commission may establish all proper rules for the protection of said land and game therein.
- Purchase of game.
- § 3. Said Commissioners are authorized to purchase and turn out upon such land such deer or other game as they may think proper.
- No hunting for five years.
- § 4. No game shall be killed or pursued, trapped or in any way destroyed within the limits of said lands so set apart for a period of five years.
- § 5. The sum of five thousand dollars is hereby appropriated to be paid by the Comptroller, at such time and such amount as the commissioners may desire for the purposes of this act, and the commission is authorized to receive private subscriptions and expend the same for such purposes.

BOARDS OF SUPERVISORS.

- Supervisors.
- Section 4 of the General Game Laws of 1879 repealed all acts or parts of acts inconsistent therewith, reserving, however, among others, "the laws conferring upon boards of supervisors special powers to legislate for the protection of fish, birds and game."
- The laws conferring these powers on boards of supervisors generally are as follows :
- Chapter 194 of the Laws of 1849, vesting certain legislative powers in boards of supervisors, reads as follows :
- To make regulations.
- "§ 4, subd. 13.—To make such laws and regulations as they may deem necessary, and provide for the enforcing of the same, for the destruction of wild beasts, * * * * and to provide for the protection of all kinds of game, of shell and other fish within the waters of their respective counties." * * *
- (This act was declared constitutional in *Smith, Supervisor of North Hempstead v. Levinus*, 8 N. Y., 472).

Laws 1875, chap. 482, conferring further legislative powers upon boards of supervisors, provides that, among others, they are empowered to pass laws.

“§ 16. To provide for the protection and preservation, To provide protection. subject to the laws of this State, of game, animals and birds, and of fish and shell fish in all waters within the territorial jurisdiction of the county, and to prescribe and enforce the collection of penalties for the violation of any laws or regulations they may make pursuant to the provisions of this subdivision.”

(This section and subdivision 13 of section 4 of chapter 194 of the Laws of 1849 are to be read together).

For other powers of supervisors and boards of supervisors in the premises, see sections 31, 37, 38 and 40 of chapter 534 of the Laws of 1879, (General Game Laws), as amended, hereinbefore set forth, and section 2 of chapter 591 of the Laws of 1880, as amended by chapter 317 of the Laws of 1883, (appointment of game protectors). See also chapter 556, Laws of 1885, limiting their powers as to Chautauqua lake.

PENAL CODE.

SECTION 433.—*Using net or weir unlawfully in Hudson river.*—A person who uses any net or weir for setting or attaching nets or a pole or other fixtures in any part of the Hudson river, except as permitted by statute, is guilty of a misdemeanor. Using net or weir unlawfully in Hudson river.

§ 265.—*Public sports on Sunday.*—All shooting, hunting, fishing, playing, horse-racing, gaming or other public sports, exercises or shows upon the first day of the week, and all noise disturbing the peace of the day are prohibited. Sunday. (See sec. 32 of chap. 534, Laws 1879, p. 35.)

§ 269.—*Penalty.*—Sabbath breaking a misdemeanor, punishable by a fine not less than five dollars and not more than ten dollars, or by imprisonment in a county jail not exceeding five days, or by both. But for a second or other offense, where the parties have been previously convicted it shall be punishable by a fine not less than ten dollars and not more than twenty dollars, and by imprisonment in a county jail not less than five nor more than twenty days. Penalty.

§ 640, subd. 10.—To kill, wound or trap any bird, deer, squirrel, rabbit or other animal within the limits of any cemetery or public burying ground or of any public park or pleasure ground, or to remove the young of such animals, or eggs of such birds, or knowingly to purchase the Killing birds, etc., in cemetery.

same, is a misdemeanor, punishable by imprisonment not exceeding six months, or a fine not exceeding two hundred and fifty dollars, or both.

Punishment of
misdemeanor.

§ 15. A misdemeanor, where no special punishment is prescribed, is punishable by imprisonment in a penitentiary or county jail for not more than one year, or by a fine of not more than five hundred dollars or both.

NEW YORK CITY GAME LAWS.

Special and local laws affecting fish, game and birds in New York city can be found in the Consolidation Act of 1882, chapter 410, Laws of 1882, at sections 736, 737, 738, 739 and 743, relating to fish, fishing, nets, fykes, poles, etc., and providing penalties for illegal fishing and netting, contrary to its provisions.

Section 2025 relates to song birds in New York city, prohibits their killing, etc., and regulates their having in possession.*

Warrants, etc.

Section 1306 authorizes any justice of a district court to issue, under certain restrictions, warrants of arrest and search warrants under the game laws of this State.

LOCAL ACTS.

Chap. 185, Laws of 1884.

AN ACT for the better protection of game in Richmond county.

License
required of
non-resident

SECTION 1. From and after the passage of this act, it shall not be lawful for any non-resident of the county of Richmond to shoot game in any of the towns of said county without having first obtained from a justice of the peace, living in said county, a license for the privilege of so doing. The fee for such license, which shall be good only during the year in which it is granted, shall be ten dollars, and shall be granted as of course by the justice applied to, unless he has proof that the applicant has been convicted of a violation of this act.

License.

§ 2. The money so received by said justices of the peace

* See chap. 427, Laws 1886 — for protection of song birds, etc.

for such license fees shall be paid by them monthly to the treasurer of said county of Richmond.

§ 3. Any person violating any of the provisions of this act shall, upon conviction, be fined not less than ten nor more than twenty-five dollars.

Chap. 485, Laws of 1885.

AN ACT relating to game in the counties of Queens and Suffolk.

SECTION 1. No person shall kill, or have in possession after the same has been killed, in the counties of Queens and Suffolk, any ruffed grouse, commonly called partridge, from the first day of January to the first day of November in each year, under a penalty of twenty-five dollars for each bird or animal so killed or had in possession. Partridge, Queens and Suffolk counties.

§ 2. No person shall, in said counties, kill or have in possession any bay snipe, sandpiper, shore bird or plover from the first day of January to the tenth day of July in any year, or any rail bird or meadow hen from the first day of January to the first day of September in any year, under a penalty of ten dollars for each bird so killed or had in possession. Bay snipe, plover, etc.

§ 3. All penalties imposed by this act may be recovered, with costs of suit, as fixed by the Code of Civil Procedure, by any person in his own name, or by any incorporated society in its name, before any justice of the peace in the county where the offense was committed, or in any adjoining county, where the amount recovered does not exceed the jurisdiction of said justice, and such penalties may be recovered in the like manner in any court of record in said counties. Penalties.

§ 4. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less than five dollars, or of not more than at the rate of one day for every dollar of the penalty provided by the section so violated, or by imprisonment in the county jail or penitentiary for a period of not less than five days nor more than at the rate of one day for every dollar of any such penalty, or by both such fine and imprisonment in the discretion of the court. Misdemeanor.

Chap. 247, Laws 1886.

AN ACT to protect wild goose, duck, brant, teal, coot, dipper and greebe in Chautauqua county.

Wild goose,
etc., Chautau-
qua county.

SECTION 1. No person shall kill, shoot, hunt or pursue any wild goose, duck, brant, teal, coot, dipper or greebe in Chautauqua county between the first day of February and the first day of September in each year. Any person or persons found guilty of violating this act shall be punished by a penalty of twenty-five dollars or thirty days in county jail, or both, as the court may determine. All actions for penalties for violation of this act may be made before a justice of the peace or any court having jurisdiction in Chautauqua county. The money collected under this act shall be divided equally between the poor fund of the county and the person or persons making the complaint.

§ 2. All acts or parts of acts inconsistent with this act are hereby repealed.

Chap. 395, Laws 1886.

AN ACT prohibiting the killing of quail and ruffed grouse, commonly called partridge, within the county of Niagara, for the period of three years from and after the passage of this act.

Hunting in
Niagara
county.

SECTION 1. No person shall, at any time for the period of three years, from and after the passage of this act, within the county of Niagara, kill, trap or snare any quail or ruffed grouse, commonly called partridge, under a penalty of twenty-five dollars for each quail or ruffed grouse so killed, trapped or snared. Any person offending any of the preceding provisions of this section shall be deemed guilty of a misdemeanor, and shall be prosecuted as directed in section thirty-three of chapter five hundred and thirty-four of the Laws of eighteen hundred and seventy-nine, for the preservation of moose, wild deer, birds, fish and other game, passed June twentieth, eighteen hundred and seventy-nine.

Chap. 430, Laws 1886.

AN ACT for the protection of game in the counties of Chautauqua and Cattaraugus.

SECTION 1. No person shall ship, transfer or take, with-

out the counties of Chautauqua or Cattaraugus, any ruffed ^{Shipping, etc.,} grouse, commonly called partridge, woodcock, snipe or ^{game out of} plover, for the purposes of sale or trade, the same having ^{county.} been taken or killed within either of said counties.

§ 2. Any person violating any of the provisions of this ^{Penalty.} act shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished for each and every bird so shipped, transferred or taken without the bounds of said counties for the purpose of sale or trade, by a fine of not less than twenty-five dollars, nor more than one hundred dollars, or by imprisonment in the county jail or penitentiary for a period of not less than twenty-five days nor more than at the rate of one day for every dollar of any such penalty, or by both such fine and imprisonment in the discretion of the court.

§ 3. All penalties imposed by this act may be recovered ^{Recovery.} with costs of suit, as fixed by the Code of Civil Procedure, by any person in his own name, or by any incorporated society in its name, before any justice of the peace in said county, or in any adjoining county where the amount recovered does not exceed the jurisdiction of said justice, and such penalties may be recovered in like manner in any court of record in said county.

Chap. 542, Laws 1886.

AN ACT in relation to the shooting of quail upon Robins Island.

SECTION 1. The shooting of quail upon Robins Island in ^{Quail, Robins} the county of Suffolk, so long as such island remains the ^{Island.} property of the Robins Island Club, shall be permitted to be done by the members of that club and their guests on and after the fifteenth day of October in each year, and until the first day of February in the year following.

Chap. 416, Laws 1881.

AN ACT to exempt the waters of Otsego lake from the provisions of sections eighteen, twenty and twenty-three of chapter five hundred and thirty-four of the Laws of eighteen hundred and seventy-nine, entitled "An act for the preservation of moose, wild deer, birds, fish and other

game, and from the provisions of said section twenty-three as amended by chapter four hundred and thirty-one of the Laws of eighteen hundred and eighty—repealing section eight of chapter four hundred and thirty-one of the Laws of eighteen hundred and eighty—and for the protection and preservation of fish in the waters of Otsego lake.”

Otsego lake.

SECTION 1. The waters of Otsego lake, in the county of Otsego, are hereby excepted from the provisions of sections eighteen, twenty and twenty-three of chapter five hundred and thirty-four of the Laws of eighteen hundred and seventy-nine, and from the provisions of said section twenty-three as amended by section one of chapter five hundred and thirty-one of the Laws of eighteen hundred and eighty.

* * * * *

Angling only.

§ 3. Until the board of supervisors of the county of Otsego shall, under and in pursuance of section thirty-seven of chapter five hundred and thirty-four of the Laws of eighteen hundred and seventy-nine, make provisions for the protection and preservation and regulating the taking of fish from the waters of said Otsego lake, no person shall kill or catch or attempt to take, kill or catch any fish in the waters of Otsego lake in any manner or with any device except angling with hook and line held in hand. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and, in addition thereto, shall be liable to pay a penalty of one hundred dollars for each and every offense, to be recovered as provided in section thirty-three of chapter five hundred and thirty-four of the Laws of eighteen hundred and seventy-nine, and as provided in chapter five hundred and thirty-one of the Laws of eighteen hundred and eighty.

Chap. 247, Laws 1884.

AN ACT for the preservation of fish in the Hudson river.

Seines, etc., regulated.

SECTION 1. No person shall draw or use any seine, or catch or kill any fish by means of any seine in any of the waters of the Hudson river contained between any trestle or bank of any railroad running along said river and the adjacent bank of said river. And any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor.

STATE OF NEW YORK.

Chap. 522, Laws 1886.

AN ACT to prohibit the use of pound nets and purse nets in the Hudson river, between the first day of June and the fifteenth day of October.

SECTION 1. No pound net or purse net shall be used or set in the waters of the Hudson river, from the first day of June until the fifteenth day of October in each and every year.

§ 2. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor.

Chap. 226, Laws 1886.

AN ACT to regulate fishing in the town of Saugerties, Ulster county.

SECTION 1. Any person having in his or her possession on the shores, banks or waters of the Esopus creek, in the town of Saugerties, above the dam at the village of Saugerties, or the shores, banks or waters of any lake or stream of water in said town of Saugerties, other than the Hudson river and the Esopus creek below the dam, at said village of Saugerties, at any time, any snare net, set-line, fike, pot or other devices of any kind used in taking fish, except hook and line held in the hand or attached to fishing-rods, shall be deemed guilty of a misdemeanor, and in addition thereto shall be liable to a penalty of twenty-five dollars, to be sued for and recovered by the game constable of said town of Saugerties.

§ 2. The taking of minnows for bait by scap-nets in the Esopus creek proper is not intended to be prohibited by this act.

Chap. 407, Laws 1887.

AN ACT for the preservation and propagation of shad in the Hudson river.

PASSED May 19, 1887.

SECTION 1. No person shall take any shad from the waters of the Hudson river, above the northern boundary line of

Catching of
shad
regulated.

Westchester county, by means of any seine, net or other device whatever, from sunset on Saturday to sunrise on the following Monday, between the fifteenth day of March and the fifteenth day of June in each year. And any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and, in addition thereto, shall be liable to a penalty of fifty dollars for each offense.

Chap. 556, Laws 1885.

AN ACT to prevent the taking of fish from the waters of Chautauqua lake, by other means than angling.

Fishing in
Chautauqua
lake
regulated.

SECTION 1. No person shall at any time kill in Chautauqua lake, or take from the waters thereof, any fish of any kind, except as taken by the commissioners of fisheries for the purpose of artificial propagation or the stocking of other waters by any device or means whatever, otherwise than by hook and line.

Nets, etc.,
unlawful.

§ 2. No person shall have in his or her possession, at any time, in or upon the ice or waters of Chautauqua lake, any trap or pound net, stake poles, fish house, spear, instrument or device of any kind which may be used for killing or taking fish except a hook and line.

Penalty.

§ 3. Any person violating this act shall be guilty of a misdemeanor, and liable to a penalty of fifty dollars for each offense.

Recovery of.

§ 4. All penalties imposed by this act may be recovered with costs of suit before any justice of the peace in any town bordering on Chautauqua lake or in a court of record in Chautauqua county. The district attorney of said county is hereby required to commence action in the name of the people of the State of New York, for the recovery of the penalties hereby allowed, immediately upon receiving proper information of the violation of this act; and any penalty so recovered in a court of record shall be paid to the superintendent of the poor of said county for the benefit of said county poor. One-half of the penalty recovered under this act before any justice of the peace shall belong to the person giving information upon which the action is brought, and the other one-half shall be paid to the supervisor of the town in which the action is brought, for the use of said town. All judgments for penalties recovered under this act, with the interest thereon, may be collected and payment enforced thereon by execution, and in case of failure

to pay the same or any part thereof, the person on whom such penalty is imposed shall be committed to the county jail of said county for a period of not less than ten days, and at the rate of one day for every dollar thereof. Such imprisonment shall not be a satisfaction for such judgment. All charges under this act when made before a justice of the peace shall be a town charge; when in a court of record, a county charge.

§ 5. That portion of chapter four hundred and eighty-two of the laws of the State of New York, passed eighteen hundred and seventy-five, and chapter one hundred and twenty-two of the Laws of New York, passed eighteen hundred and seventy-eight, and all other acts or parts of acts as are inconsistent or conflicting with this act, relative to the taking of fish from Chautauqua lake, or relative to the powers conferred upon the board of supervisors to regulate such taking of fish from Chautauqua lake, are hereby repealed.

Conflicting
acts repealed.

Chap. 395, Laws 1887.

AN ACT to prohibit catching or killing fish during certain seasons of the year in the county of Steuben.

SECTION 1. It shall be unlawful for any person to catch, kill or expose for sale or have in possession after the same has been caught or killed, any speckled trout, brook trout, or California trout, in the county of Steuben, only from the first day of May to the first day of August in each year.

Fishing in
Steuben
county.

§ 2. No person shall shoot or spear any fish in the Cohocton river, or any of its tributaries within the county of Steuben, from the first day of April to the first day of July in each year.

Chap. 603, Laws 1886.

AN ACT for the better protection of fish in Lake Champlain, its bays and tributaries.

SECTION 1. No person or persons shall catch or kill, or attempt to catch or kill, any fish of any kind in all that part of Lake Champlain, its bays or tributaries, lying or being between the south end of said lake, in the town of Whitehall, Washington county, and Chimney Point, in Essex county, with any set line, seine, gill net, hook net,

Fishing in lake
regulated.

fyke net, pound net, or net of any kind whatsoever, except for catching minnows for bait, at any time of the year.

Possession of
certain fish.

§ 2. Neither shall any person or persons have in his, her or their possession any muscalonge, black or Oswego bass, pike or pickerel, between the first day of January and the fifteenth day of June in any year.

Penalties.

§ 3. Any person or persons violating any of the provisions of this section or any of the above sections, shall be guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of one hundred dollars for each and every net of any kind so used, and in addition thereto shall pay the sum of five dollars for each and every fish caught in any net, or had in possession, contrary, to the provision of this act, or imprisoned in the county jail at hard labor for a period not to exceed one day for each dollar of penalty, with costs imposed.

Disposition of.

§ 4. The above penalties to be paid to the county treasurer of the county in which the offense was committed, and one-half of the above penalties shall be paid by the county treasurer to the complainant on an order from the court before whom the same was tried and adjudged.

Jurisdiction of
justices.

§ 5. Any justice of the peace shall have power and authority to impose fines and imprisonments for violation of any of the above sections, even if said penalty exceed the limits of the justice court.

Game
constables.

§ 6. The game constables elected in either Washington or Essex counties shall have power and authority to arrest, with or without warrant, and bring before the most convenient justice of the peace, in the county where arrested, any person or persons found violating any of the foregoing sections.

Chap. 334, Laws 1886.

AN ACT to regulate the maintenance and construction of eel weirs in the Oneida river.

Eel weirs.

SECTION 1. It shall be lawful to build and maintain in the Oneida river eel weirs of which the lath are not less than one-half an inch apart.

§ 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Chap. 141, Laws 1886.

AN ACT to prevent taking fish from the waters of Lake Ontario adjacent to the shore of Jefferson county, or from the inland waters of said county, by other means than angling.

SECTION 1. No person shall at any time kill or take from the waters of Henderson bay or Lake Ontario within one mile from the shore between the most westerly point of Pillar Point and the boundary line between the counties of Jefferson and Oswego, or within one mile from the shore of any island in Lake Ontario which is part of Jefferson county, except Grenadier Island and Fox Island or from the waters of any creek, lake or river, or inland waters in the county of Jefferson, any fish of any kind by any devise or means whatever, otherwise than by hook and line or rod held in hand. But this section shall not apply to or prohibit the catching of minnows for bait, provided the person using nets for that purpose shall not set them and shall throw back any trout, bass or other game fish taken, and keep only chubs, dace, suckers, or shiners. Fishing, Henderson bay.
Exceptions.

§ 2. Any person violating any of the provisions of this act shall be guilty of a misdemeanor and liable to a penalty of fifty dollars for each offense. Penalty.

§ 3 All penalties imposed by this act may be recovered with costs of suit before any justice of the peace or in any court of record in Jefferson county. The district attorney of said county is hereby required to prosecute actions in the name of the people of the State for the recovery of the penalties hereby imposed immediately upon receiving proper information of the incurring of a liability to pay said penalty. Any penalty so recovered in a court of record or before a justice of the peace shall be paid as follows: One-half thereof to the person informing the district attorney, and one-half to the superintendent of the poor of said county, for the benefit of the county poor. All costs or charges incurred in any such prosecutions shall be a county charge. Recovery.

Chap. 366, Laws 1887.

AN ACT to prevent taking fish from the waters of Lake Ontario adjacent to the shore of Cape Vincent by other means than angling.

SECTION 1. No person shall at any time kill or take from

Fishing in
Lake Ontario
regulated.

the waters of Lake Ontario, within one mile from shore between Tibbets Point at the mouth of the St. Lawrence river and the boundary line between the towns of Lyme and Cape Vincent in the county of Jefferson, or within one mile from the shore of Grenadier Island or Fox Island, any fish of any kind by any device or means whatever otherwise than by hook and line or rod held in hand. But this section shall not apply to or prohibit the catching of minnows for bait provided the person using nets for that purpose shall not set them and shall throw back any trout, bass or other game fish taken, and keep only chubs, dace, suckers, or shiners.

Penalty

§ 2. Any person violating any of the provisions of this act shall be guilty of a misdemeanor and liable for the penalty of fifty dollars for each offense; which shall be collected in the same manner as provided by section three of chapter one hundred and forty-one of the laws of eighteen hundred and eighty-six.

Chap. 590, Laws 1886.

AN ACT to prevent taking fish by net in the waters of the Cattaraugus creek and its mouth.

Nets in Catta-
raugus creek.

SECTION 1. No person shall set or draw any net or seine in Cattaraugus creek or within eighty rods of its channel into the lake, or take any fish by such means between the fifteenth day of May and the first day of November.

§ 2. No person shall by any net or device willfully obstruct the channel of said creek so as to prevent the passage of fish therein. Fishing with hook and line permitted in the waters mentioned herein.

Penalty.

§ 3. Any person violating the provisions of this act shall be guilty of a misdemeanor, and, in addition thereto, liable to a penalty of fifty dollars for each offense, to be recovered in the name of the people of this State in any court having jurisdiction thereof. And it shall be the duty of the district attorney of the county in which such offense is committed, on being informed of the fact, to prosecute for the recovery of such penalty, and the recovery after paying the necessary expenses, one-half to be paid to the informer and the other half to the treasurer of the county in which such recovery is had. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Chap. 620, Laws 1887.

AN ACT to legalize fishing with nets and fykes in certain portions of Cayuga lake, and the outlet of Keuka lake.

SECTION 1. It shall be lawful at any time to fish with nets and fykes and take from the waters of Cayuga lake below Canoga point, about four miles from the foot of said lake, and the outlet of Keuka lake, eels, suckers and bull-heads, but no other kind of fish.

Nets in Cayuga and Keuka lakes.

FISH PROPAGATION.**Chap. 523 of the Laws of 1875.**

AN ACT making an appropriation for the purpose of restocking the public streams of this State with speckled trout and other fish.

SECTION 1. The sum of fourteen thousand dollars, or so much thereof as shall be necessary, is hereby appropriated out of the general fund to enable the commissioners of fisheries of this State to construct on land, to be purchased therefor, suitable buildings, fixtures and ponds, for the purpose of hatching and rearing speckled trout and other fish, to be used in stocking the public streams of this State with such fish, and to be distributed for the public benefit under such regulations as such commissioners shall prescribe.

State hatcheries.

§ 2. The said commissioners shall account to the comptroller for all expenditures they may make under the provisions of this act.

Chap. 320 of the Laws of 1884.

AN ACT to establish a fish hatchery in the Adirondack forest.

SECTION 1. The commissioners of fisheries are hereby authorized and directed, as soon as possible after the passage of this act, to erect a fish hatching establishment at some convenient point in the Adirondack forest, to be

Adirondack hatchery.

selected by said commissioners, for the purpose of restocking the lakes and streams of said forest with trout and other fish natural to that locality, and stocking such other streams as the commissioners may deem necessary.

§ 2. The treasurer shall pay to the commissioners of fisheries, upon the warrant of the comptroller, the sum of five thousand dollars, or so much thereof as may be necessary, which sum is hereby appropriated for the purposes of this act.

Chap. 85, Laws 1885.

AN ACT to grant the use of certain state lands for the purposes of the Adirondack fish hatchery.

Grant of lands.

SECTION 1. The lands belonging to this State, known as lots number four, five and six, in township twenty of great lot number one, Macomb's purchase, in the county of Franklin, on which has been located, pursuant to chapter three hundred and twenty of the laws of eighteen hundred and eighty four, the Adirondack fish hatchery, are hereby appropriated to the use of such hatchery ; but no standing timber shall be cut on such lots except such as shall be needed for building purposes and for fire-wood for such hatchery.

No fishing in
Little Clear
pond.

§ 2. The lands mentioned in the first section of this act, shall be in the care of the commissioners of fisheries, and no person shall be permitted to fish in the waters of Little Clear pond, nor in its outlet, nor in any other waters on such lands, nor to enter on the same for the purposes of fishing without the consent or by the direction of the commissioners of fisheries ; but the said waters shall be held by the said commissioners solely as reservoirs for breeding fish, and nurseries for young fish, and for experimental purposes in the business of fish culture.

§ 3. Whoever shall violate any of the provisions of the second section of this act shall forfeit a penalty of fifty dollars for each offense, to be sued for and recovered with costs of suit, by the said commissioners, in any court of competent jurisdiction in the county of Franklin, and the penalties recovered shall be paid into the state treasury.

Chap. 613, Laws 1887.

AN ACT to provide for the erection of a fish hatchery at Cold Spring Harbor, and making an appropriation therefor.

SECTION 1 There shall be appropriated from any funds in the treasury of the State not otherwise appropriated, for new hatchery buildings and improvement of grounds at the Cold Spring Harbor station of the commissioners of Fisheries, five thousand dollars, or so much thereof as shall be necessary, to be expended under the direction of the commissioners of Fisheries, on vouchers to be approved by the comptroller ; but no money shall be paid out of this appropriation till a lease of the lands and water rights now occupied for such hatchery shall be executed to the State, rent free, from the owner, for such period as the same may be occupied as a public hatchery, which lease, when accepted by the commissioners, shall be filed in the office of the Secretary of State.

Cold Spring harbor hatchery.

Chap. 293, Laws 1887.

AN ACT to establish a fish hatchery in the Adirondack wilderness.

SECTION 1. The commissioners of fisheries are hereby authorized and directed, as soon as possible after the passage of this act, to erect a fish hatching establishment at Mill creek, an inlet of Round lake, Hamilton county, for the purpose of restocking the lakes and streams of said forest with trout and other fish natural to that locality, and stocking such other streams as the commissioners may deem necessary.

Mill Creek hatchery.

FISHWAYS.

Chap. 252 of the Laws of 1880.

AN ACT to provide for the construction of fishways in the State dams across the Oswego, Oneida and Seneca rivers.

Fishways,
Oneida river.

SECTION 1. It shall be the duty of the superintendent of public works of this State, to cause to be constructed and maintained, in all the State dams across the Oswego, Oneida and Seneca rivers, in such manner as not to injure the said dams, fishways at least one foot in depth at the edge of the dams, and of proper width to allow all fish endeavoring to migrate to the waters of said rivers above the dams to pass over the same. The said fishways shall be placed at an angle of not more than thirty degrees, and extend entirely to the running water below the dams, and shall be protected on each side by a gunwale of at least one foot in height to confine the waters therein. The said fishways shall be constructed under the supervision of the superintendent of public works, and be located at such places in said dams and built in such manner and of such materials as he shall direct. (See chap. 193, Laws 1886, as to Oswego and Seneca rivers.)

Chap. 212 of the Laws of 1862.

Fishways for
salmon,
Cayuga lake.

“An act to facilitate the ingress of salmon into Cayuga lake and for the protection of the same,” compels the owners of dams across the Oswego or other rivers leading from the Cayuga lake into Lake Ontario, to erect and maintain suitable fishways for the free passage of salmon up said river and over said dams to the waters in Cayuga lake. Penalty, for failure to construct, one hundred dollars for each month's delay; any person to bring suit and to retain one-half the recovery, the remainder to be paid to the commissioner of highways of the town where such recovery shall be had, to be applied in repairing the roads and bridges in said town. To spear, catch or kill salmon or other fish, within ten rods of above fishways, is punishable by a penalty of twenty-five dollars for each offense, to be collected and disposed of as above.

Chap. 193, Laws 1886.

AN ACT to provide for the construction of fishways in the State dams across the Oswego and Seneca rivers.

SECTION 1. It shall be the duty of the superintendent of public works of this State to cause to be constructed and maintained in proper manner, in all the State dams across the Oswego and Seneca rivers, and in such manner as not to injure said dams, fishways at least one foot in depth at the edge of the said dams, and of proper width to allow all fish endeavoring to migrate to the waters of said rivers above the dams to pass over the same. The said fishways shall be placed at an angle of not more than thirty degrees, and extend entirely to the running water below the dams, and shall be protected on each side by a gunwale of at least one foot in height to confine the waters therein. Said fishways shall be constructed under the supervision of the superintendent of public works, upon plans to be approved by the commission of fisheries for the State of New York, and be located at such places in said dams, and built in such manner as shall best serve the purpose therefor, and of such material as said superintendent of public works shall direct.

Fishways,
Oswego and
Seneca rivers.

§ 2. The sum of three thousand dollars, or so much thereof as shall be necessary, is hereby appropriated out of any moneys in the treasury not otherwise appropriated, to build said fishways.

Chap. 202, Laws 1886.

AN ACT to provide for the construction of fish-ways in the dams across "Little Salmon river," in the town of Mexico, Oswego county, New York.

SECTION 1. It shall be the duty of the Superintendent of Public Works of this State to cause to be constructed and maintained in proper manner, in all the dams across "Little Salmon river," and in such manner as not to injure said dams, fish-ways of suitable depth, and so constructed as to allow all fish endeavoring to migrate to the waters of said river above the dams, to pass over the same. Said fishways shall be placed at an angle of not more than thirty degrees and extend entirely to the running water below the dams, and shall be built upon plans to be approved by the commission of fisheries of this State.

Fishways,
Little Salmon
river.

§ 2. The sum of three thousand dollars, or so much thereof as shall be necessary, is hereby appropriated out of any moneys in the treasury not otherwise appropriated to build said fishways.

Chap. 544, Laws 1886.

AN ACT to provide for the construction of a fishway in the State dam across the Schoharie river at Fort Hunter, Montgomery county, and the Mohawk river at the aqueduct, Schenectady county.

Fishways,
Mohawk and
Schoharie
rivers.

SECTION 1. It shall be the duty of the superintendent of public works of this State to cause to be constructed and maintained in the State dam across the Mohawk river, near the aqueduct in Schenectady county, and in the State dam across the Schoharie river near the village of Fort Hunter in Montgomery county, in such manner as not to impair said dams, a suitable fishway in each dam, to allow all the fish endeavoring to migrate to the waters of said rivers above such dams to pass over such dams. The said fishways shall be constructed under the supervision of the superintendent of public works, and shall be located at such places in said dams and built in such manner and of such materials as he shall direct.

§ 2. The sum of two thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the treasury not otherwise appropriated, to build said fishways.

Chap. 55, Laws 1875.

AN ACT to prohibit fishing near any fishway established by the State.

Fishing near
fishways pro-
hibited.

SECTION 1. The commissioners of fisheries of this State are hereby required and directed to erect and maintain at a distance of eighty rods from any fishway established or constructed by the State in any stream or water-course within its boundaries, signboards, on which shall be plainly printed or inscribed the words following, to wit: "Eighty rods to the fishway. All persons are by law prohibited from fishing in this stream between this point and the fishway;" said signboards to be erected on both sides of the stream, above and below the fishway.

§ 2. No person shall catch, or attempt to catch, fish with any device whatever, within a distance of eighty rods from any fishway established or constructed by the State, in any stream or water-course within its boundaries.

§ 3. Any person violating the provisions of the second ^{Penalty.} section of this act shall be deemed guilty of a misdemeanor, and shall be liable, upon conviction thereof, to a fine not to exceed twenty-five dollars for every offense, or be subject to not more than ten days' imprisonment in the county jail; said fine to be recovered before any justice of the peace of the county wherein the offense may be committed, who shall issue his warrant for the arrest of the offender upon the complaint of any person duly verified.

§ 4. Any fine collected by virtue of the provisions of this act, shall be paid to the overseer of the poor of the town in which the offense was committed, to be applied by said overseer to the credit of the poor fund of said town.

NOTE.—The above act is substantially the same as sections twenty-nine and thirty of the Game Law of 1879, which possibly repeals it. Still, as there is a slight variation between the two, and a reservation from repeal of all laws relating to the establishment of fishways in the act of 1879, it is printed for what it is worth.

Chap. 512, Laws 1887.

AN ACT to provide for the construction of a fishway in the State dam at Troy.

SECTION 1. The superintendent of public works of this State is hereby authorized to cause to be constructed, maintained and operated, in the State dam across the Hudson river at Troy, in such a manner as not to injure the said dam, a fishway of proper width and depth to allow all fish endeavoring to migrate to the waters of the said river above the dam to pass over the same; such fishway to be placed at an angle of not more than thirty degrees, and extend entirely to the running water below the dam. The said fishway shall be constructed under the supervision of the fish commissioners of this State, and be located at such a place in said dam, and built in such manner and of such materials as said commissioners may direct. It shall be the duty of the superintendent of public works to close the said fishway whenever the water in said river shall have reached such a level as to in any wise interfere with the

Fishways,
Hudson river.

use of the surplus waters on either side of said river by the lessees thereof, or to impede canal navigation.

- § 2. [Appropriation.]
- § 3. [Reserves rights of lessees of surplus waters.]
- § 4. [Repeals chapter 555, Laws 1870, and chapter 850, Laws 1872.]

SOCIETIES AND CLUBS FOR FISHING, HUNTING AND FISH CULTURE.

Incorporation. Fishing or hunting societies may be incorporated under the provisions of chapter 368 of the Laws of 1865, entitled "An act for the incorporation of societies or clubs for certain social and recreative purposes," or by virtue of chapter 267 of the Laws of 1875, entitled "An act for the incorporation of societies or clubs for certain lawful purposes."

These acts provide that societies or clubs for social * * * hunting, fishing * * * or lawful sporting purposes may be incorporated. Their powers and liabilities are set forth in the act, also the manner of incorporation. Under chapter 368, Laws 1865, it was held by the Supreme Court, in the case of *The Ancient City Sportsman's Club v. Miller* (7 Lans., 412), that a society or club could not be incorporated to enforce "all existing laws and ordinances for the preservation of game and fish," as not being within the intent of the Legislature, the State reserving to itself the power of enforcing its laws.

Chap. 288, Laws of 1874, as amended.

AN ACT to incorporate societies for the improvement of poultry, small birds and domestic animals, and fish culture.

**Incorporation
objects.**

SECTION 1. Any number of persons, not less than thirteen, may associate and form an incorporation or company for the purpose of importing, raising and improving and breeding poultry, small birds, domestic and pet animals and fish culture, and collecting and disseminating useful

knowledge concerning them, by holding fairs, disbursing awards and premiums, and by publishing debates and transactions and by such other lawful means as the members of the company may deem expedient, upon filing in the office of the secretary of state, and also in the office of the clerk of the county in which the business of said company is to be conducted, a declaration signed by all the incorporators, and acknowledged before any officer authorized to take the acknowledgment of deeds in this State, expressing their intention to form such company, together with a copy of the charter proposed to be adopted by them, and shall thereafter be a body corporate and politic by the name designated in said charter. (As amended by chap. 266, of Laws of 1877.)

§ 2. Such society shall have power to elect a president, Officers, etc. one or more vice-presidents, secretaries and a treasurer, and may make a constitution and by-laws for their government, and may hold real estate or other property to the value of twenty thousand dollars.

§ 3. Societies organized under this act shall possess the Powers, etc. powers and be subject to the restrictions and liabilities of title three of chapter eighteen of part one of the Revised Statutes.

§ 4. The stockholders of any corporation hereafter Liabilities of stockholders. formed under this act or any act amendatory hereof or supplementary hereto, or extending the operation and effect hereof, shall, in addition to the liabilities provided, for in said acts be individually responsible equally and ratably, in an amount equal to the extent of their respective shares of stock in such corporation. The term stockholder as used in this section shall apply not only to such persons as appear by the books of the corporation or association to be such, but also to every equitable owner of stock, although the same may appear on such books in the name of another person; and also to every person who shall have advanced the installments or purchase money of any stock in the name of any person under twenty-one years of age, and while such person remains a minor, to the extent of such advance; and also to every guardian or other trustee who shall voluntarily invest any trust funds in such stock; and no trust funds in the hands of such guardian or trustee shall be in any way liable under the provisions of this act and the acts aforesaid by reason of any such investment, nor shall the person for whose benefit any such investment may be made, be responsible in respect to such stock until thirty days after the time when such persons, respectively, become competent and able to control and dispose of the

same ; but the guardian or other trustee making such investment as aforesaid, shall continue responsible as a stockholder until such responsibility devolves upon the person beneficially interested therein ; and, in respect to stock held by a guardian or other trustee under a transfer of the same by a third person, or under positive directions by a third person for such investment, the person making such transfer, or giving such directions, and his executors and administrators shall, for the purpose of this act and the acts aforesaid, be deemed a stockholder ; and the estate of such person, if he be deceased, shall be responsible for the debts and liabilities chargeable on such stock, according to the provisions of this act.

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BLACK BASS WATERS OF THE STATE OF N. Y.

BY A. N. CHENEY, GLENS FALLS, N. Y.

In the distribution of black bass nature made no mistake in selecting for their habitat only large bodies of water that afford vast shoals, bars and shores for breeding and feeding grounds and range for exercise, for they are pre-eminently a fish that require plenty of room that they may thrive and increase, despite the wiles of their beguilers. Being a voracious fish, biting eagerly, often greedily, at many lures, in small waters to which they have been transplanted, unrestricted fishing in lawful season only, soon causes the larger ones to disappear, and although ceaseless fishing will not utterly remove them, they become too few in number and small in size, to reward a patient fisherman for the laborious pleasure of such angling.

A small pond, lake or stream that is stocked with black bass may for a few years afford such excellent fishing as to cause every bit of neighboring water to be stocked, provided it can be reached with a few pairs of adult bass. Too frequently there is no regard paid to the eternal fitness of things; waters that contain trout (*fontinalis*), and waters that are suitable only for trout have been stocked indiscriminately with waters that contain pike, chubs and sunfish, this, too, in the face of protests from interested citizens; but it is an easy matter to slip a few pairs of black bass into a small pond whether or no the owner or owners consent, and in this manner unfit waters have been stocked.

In years past there has been a sort of black bass craze owing to the success of the fish in certain suitable waters; therefore other waters that are totally lacking in fish food and other requisites have been planted with black bass with a blind confidence that the parent fish once deposited the fisherman had only to wait with patience for his reward, in their multiplying.

A black bass requires a large amount of food to sustain the condensed energy that characterizes the fish, and it is of the utmost importance that the food be provided before introducing black bass into new waters. For that matter there is no species of fish that will survive a famine. A pond near the home of the writer was famous for its fish food in the form of small fish called minnows, also for an abundance of perch; black bass were introduced and they grew to an enormous size, larger perhaps than in any other

water in the State, but in a few years there was a dearth of minnows and perch, in spite of ample facilities for breeding in security, and the large bass took their flight with the minnows and to-day the pond contains only a few small bass although the minnows are increasing.

There are other things that should be taken into consideration in stocking new waters with black bass, but it is the safer way and in the end will prove more satisfactory not to attempt to stock small waters. I fished a stocked pond within a year and sounded it most thoroughly and I did not find a yard square of bottom suitable for a spawning bed; the shores were ooze and the bottom mud and grass.

I cannot find that the black bass is indigenous to any of the waters of the interior of the State of New York except possibly the group of lakes in the western-central part be an exception. Nearly all if not all the waters in the State that now contain black bass are indebted for their presence either directly or indirectly to the Great Lakes. The digging of the Erie Canal in 1825 brought the black bass from Lake Erie to the Hudson River and through the same medium the Mohawk was stocked and consequently the Oriskany.

Black bass appeared in the Black river subsequent to the building of the Black River Canal which taps the Erie at Rome. Lake Ontario furnished the Oswego river with black bass and the river in turn furnished one species of the black bass, *i.e.*, the large mouth, with a common name which clings to it yet in some localities and also in the statutes. Why the big mouth black bass should be called the Oswego bass any more than the Clayton bass, Buffalo bass or Sackett's Harbor bass is one of those things that no fellow can find out. Lake Champlain which yields mighty black bass in goodly numbers, particularly in the lower (northern) part of the lake, undoubtedly got its original supply from the St. Lawrence River which is head quarters of the fish, now that the *Anglers' Association* has cleared the upper river of nets and engines of destruction. I do not quite see how myself, but I presume that Lake George in the long ago got its supply of black bass from Lake Champlain through the connecting stream. Black bass will distribute themselves up stream much more rapidly than down stream from the point of their introduction, but they cannot or do not surmount obstructions that are mere play for the salmon family. Rivers that contain black bass afford better fly fishing (casting), than do lakes or ponds. Lake Champlain contains both the small and

large mouth black bass, the former only is sought by the angler, and excellent fly fishing is furnished early in the season; later still fishing is resorted to exclusively and by still fishing I mean from an anchored boat with rod and reel, using minnows, frogs, grasshoppers, crickets and crayfish for bait.

Lake George has only the small mouth and the early fishing is done by trolling (not casting) flies about the shores and over the shoals, and later, still fishing takes the place of trolling. Schroon Lake and Paradox Lake in Essex county have the small mouth, which are fished for almost entirely with bait. Schroon Lake was stocked from Effner Lake in Saratoga county, which also stocked the upper Hudson, and Effner was stocked from Saratoga Lake in the same county. Brant Lake, a small and beautiful sheet of water in Warren county, two miles from Schroon Lake is a stocked lake and for a few years it afforded as fine black bass fishing as one might wish for, but the bass are growing beautifully less year after year. Schroon and Brant Lakes are on the borders of the Adirondack wilderness but the black bass did not get a foot-hold in the wilderness itself, which is the natural home of the brook and lake trout, until Jan. 15th, 1872, when at the suggestion of the late Governor Horatio Seymour, at the time one of the State Fish Commissioners, sixty adult black bass were deposited in Raquette Lake. That planting has spread itself into Big and Little Forked Lakes, Shed Lake, Brown's Tract ponds, Utowana, Eagle and Blue Mt. Lakes: the latter having at one time the reputation of containing the largest lake trout of any lake in the State. A friend in writing me of fishing in Raquette Lake last year said that he and a companion caught sixty blackbass in four hours, that weighed from $1\frac{1}{2}$ to $2\frac{3}{4}$ lbs. each; that he had seen them of 4 lbs. weight and heard of their being taken up to 5 lbs. These are the small mouth, and the same friend was unable to raise a bass to a fly in the Raquette, although Geo. W. Sears ("Nessmuk") wrote me that he had no difficulty in taking with a fly all that he required to eat. I fished Raquette and adjoining lakes years before the advent of the black bass in that region and much as I prize the fish I cannot but regret that it was taken into the north woods. I have prepared a list of waters in the State that contain black bass, or rather in which they have been planted, but the bare list would fill more space than the limits of this paper permits. From the "wide waters" of the Erie Canal near Rochester, the New York Fish Commission has distributed from 1873 to 1885, both years inclu-

sive, 8043 small mouth and 4821 large mouth black bass. These were adult fish and were planted in more than one hundred different waters of the State. Previous to 1873 there were more black bass distributed by the Commission, but the details are not given. I mention some of the waters in question to show how widely the black bass has been distributed :

Big Tupper lake in Hamilton county ; Fourth Bisby lake in Herkimer county ; Otter pond in Franklin county ; West Canada creek, Herkimer county ; Spencer lake, Tioga county ; Silver lake, Wyoming county ; Hemlock lake, Livingston county ; Chittenango lake ; Round lake, Saratoga county ; Rockland lake, Rockland county ; Silver lake, Staten Island ; Monagan lake, Orange county ; Mud lake, Oswego county ; Kinderhook lake, Rensselaer county ; Jackson pond, Washington county ; Prospect park, Kings county, and Central park, New York ; Sand Lake, Rensselaer county, and Glass House lake and Crooked lake in the same county ; Seneca lake, Seneca county ; Esopus lake, Ulster county ; Green lake at West Point ; Jock's lake, Oneida county ; Little York lakes, Cortland county ; Cattaraugus lake, Wyoming county ; Geneyganset lake, Chenango county ; Flanagan's pond, Allegany county ; Stissing pond, Dutchess county ; Brown's pond, Long Island ; Whiting's pond, Columbia county, and Copake lake in same county ; Schuyler's lake, Otsego county ; Willow pond, Monroe county ; Cazenovia lake, Madison county ; Lake Salubria, Steuben county ; Cazenovia creek, Cattaraugus county ; Schoharie creek, Wappinger's creek, Schenevus creek, Esopus creek ; Honeoye creek, Monroe county ; Oriskany creek, Cayuga creek, Erie county ; Tonawanda creek, Wyoming county ; the Genesee, Canastota, Susquehanna, Delaware, Chenango, Allegany, Chemung, Cohocton, Otsego, Oswegatchie, Walkill, Little Salmon and Unadilla rivers.

Black bass are now said to be plentiful in Hemlock, Otsego, Keuka, Canandaigua, Seneca, Cayuga, Chautauqua, Owasco and Skaneateles lakes, and in the Chemung, Susquehanna and Canistota rivers. One of the most prolific black bass waters in the State is Oneida lake, a sheet of water of nearly 200 square miles in area, having all the requisite conditions for the successful propagation and well being of this game fish. One of the State Fish Commissioners writes me of this lake : " Oneida lake is shallow, with principally rock and other hard bottom, and having numerous inlet streams which furnish nurseries for young fry and bring down a constant and abundant supply of food

for the fish growing in the lake. Notwithstanding it is constantly watched by a State game protector, it is one of the most persistently poached waters within the State. Over an hundred large nets, seines, gill nets, fykes and drop nets are taken and destroyed every year, yet the netting is so profitable all this amount of destruction is replaced at the commencement of each spring season. Yet, with all this depletion, the stock does not seem to materially diminish, so rapid is the production and the growth in consequence of the abundant natural food, consisting of minnows of all kinds, crayfish and the more minute organizations of crustacæan and insect kind."

The St. Lawrence river near the Thousand Islands is the paradise of the black bass fisherman. If one were to write a treatise upon "Fishing made Easy," it would first be necessary to spend a season upon the St. Lawrence. A carpeted skiff, an armed chair, bells on the rods to give notice when you have a bite and to wake the angler up if necessary—in other words, when a fish calls upon you it rings the bell; a boatman that is a good cook and who can produce more from the various lockers of the boat than can a magician from a hat; all these tend to make fishing a most luxurious pleasure. I think that a St. Lawrence river skiff and the man that propels or sails it have their counterparts in no other waters. At first sight the skiff has a skittish look, but in no other style of fishing craft have I felt more absolute security from the dangers of the deep. One experience on Lake Ontario in such a skiff propelled with oars, and another experience on the Bay of Quinte with the skiff under sail, convinced the writer that the skiff would live in most any kind of a sea if a St. Lawrence boatman handled the oars or sheet.

In close proximity to the St. Lawrence river is Henderson Bay or harbor, but the black bass fishing is outside the bay in Lake Ontario, and, as a friend expressed it, in a letter regarding the fishing: "The winds are uncertain on the reef just outside the bay, but Stony and Gallup islands directly west of the hotels furnish a lee for almost any wind, and there is good black bass fishing there."

From Henderson Bay both the large and small mouth bass are caught, and although trolling is usually resorted to, I have known of some good catches with the fly. In fly casting for bass, whether in lakes or rivers, the fly should be allowed to sink below the surface of the water and then drawn towards the caster with a succession of short jerks. I have, over and over, seen bass follow a slow moving fly as it was drawn through the water, with seemingly no

design upon it except to follow it ; but the moment the fly was stopped and again started the bass would instantly seize it. In trolling with flies they would naturally sink to a sufficient depth for bass to see and take them.

A friend in writing me of the excellent black bass fishing in Butterfield lake, Jefferson county, mentions other lakes in that vicinity as follows : Millsite, from which he and a companion caught 106 bass in one day ; Clear, Crystal and Sixbury ; Red and Muscalonge, which with Butterfield, are of considerable size, and he adds that he may be mistaken but it is his firm conviction that the bass from these lakes are superior in flavor to those from other waters. In these last mentioned lakes the large mouth bass seem to predominate. Saratoga and Ballston lakes also contain both species of bass, and the lakes are located in Saratoga county, near the villages which give them their names. Any one who has eaten broiled bass at Moon's or George Krum's on Saratoga lake will recall the fact that the "flavor am delicious" whether "de breed am small" or large. There is a vast difference in the flavor of bass from different waters. The big mouth is apt to taste of the muck and weeds, but I refer to the small mouth particularly. I have caught hundreds of small mouth bass in Back Bay (this is on the Vermont shore) of Lake Champlain, and I never saw a poor one ; in fact they all seemed abnormally fat, but every one was a fighter, and the St. Lawrence river bass are like unto them. It would be invidious to mention waters that contain bass less favored, but the best bass, shad, trout, whitefish or salt mackerel for the table is one that is *fat*. Paper and saw mills have driven the black bass out of some streams, but "here's a state of things" in the Mohawk river that may be remedied. Capt. L. A. Beardslee, U. S. navy, writes me from Little Falls : "The Mohawk has been always a natural black bass stream, and at some places, such as Schenectady, Tribes Hill, and once in this vicinity, a very good one, bass being taken up to 4 lbs. Of late years, owing to various causes—'sucker nets,' sewerage, increased population—the fishing has fallen off in this vicinity. The water is foul ; many points and bays are ornamented and dotted with paunches and entrails from a pork packing establishment!!"

Greenwood lake, partly in New York and partly in New Jersey, is the Mecca to which the black bass fishers of New York city turn their faces for a few days' sport at a time during the season. To Greenwood lake and Decoration Day we owe the shortening of the close season for bass by two days. It was stocked with both species of bass about ten years ago, and now furnishes hundreds, and I do not know

but thousands, of bass each year. White lake in Sullivan county was originally a trout lake ; was stocked with bass, afforded fair fishing for a time, and it "is now what may accurately be termed precarious." I have referred to one lake as containing larger small mouth black bass than perhaps any other water in the State. This is Glen lake or Long pond in Warren county. I caught a small mouth from this lake which weighed, at the lake, on steelyards, $8\frac{1}{4}$ lbs.; but when brought to town and submitted to the scrutiny of one hundred pairs of eyes, on grocer's scales registered 7 lbs. 14 ozs. Afterwards a policeman caught a bass in the lake which was purchased by Mr. W. D. Cleveland of Houston, Texas, and presented to me, and which I sent to New York, and in Fulton market, in the presence of representatives of the *Forest and Stream* and *The American Angler*, the fish weighed $8\frac{1}{4}$ lbs. Lake Ronkonkoma on Long Island has produced small mouth bass of 8 lbs. or near that weight. Ronkonkoma and Glen lakes are both stocked waters, the former clear spring water and the latter thick as *bouillon*. Glen lake was stocked with bass from Lake George, and the latter never produced a bass to exceed $6\frac{1}{2}$ lbs. in weight. In addition to Silver lake already mentioned, Staten Island has Brady's pond and Arbutus lake which have been planted with the small mouth bass. Rye lake also has the small mouth, but these small waters as a usual thing will not repay a fisherman for a long journey to them, if he seeks fish alone.

In addition to casting with a fly, trolling with flies, spoon or other artificial bait ; still fishing as above described with bait ; trolling with minnows on a "gang" or flight of hooks, which is rather a murderous procedure ; minnow casting with reel and light rod is a mode of fishing which originated in the West and is practiced to some extent in this State. Whatever the bait used in bass fishing, it must either have life or the appearance of it. In still fishing the minnow, frog, crayfish, grasshopper, cricket, or what-not, must be alive or kept in motion as much as a fly or spoon in casting or trolling. Greedy as black bass are, they are at the same time fastidious, and the best caterer to their variable taste gets the most fish.

WEATHER PROGNOSTICATIONS.

By J. O. BARNES, OBSERVER SIGNAL SERVICE, ALBANY, N. Y.

The word cyclone has become an accepted term by which to designate a storm of considerable area, either over the land or sea, and is not to be confounded with the term tornado.

Formerly cyclones were understood to be the storms that form over the sea, where the cyclonic or gyratory motion is not disturbed by an irregular surface, as it is in moving over the land.

When from any cause portions of the earth's surface become abnormally heated, and these areas of abnormal temperature are somewhat circular in form, increasing or decreasing from the central to the exterior part, these temperature disturbances give rise to interchanging motions between the central and exterior part of the disturbed area, and these in turn, on account of the deflecting force of the earth's rotation, give rise to gyrations around the centre; that is, the air in the centre being heated to a higher temperature than the surrounding air, ascends, and the colder and denser air moves in to fill up the partial vacuum.

If the earth were stationary the movement would be directly toward the centre, but by reason of the earth's rotation, is deflected toward the right and flows spirally inward, so that we have a motion from different directions on all sides of the storm. Disturbances of this character are called cyclones.

The upward motion of the air in the centre of a cyclone carries with it the vapor which is condensed by the cold of elevation; and if the change is sudden, is precipitated as rain or snow.

The condensation of vapor liberates the latent heat, *i. e.*, the heat that was rendered inappreciable when the water was converted into vapor, thus greatly increasing the force of the initial disturbance, and the storm continues until the temperature has attained its normal condition and the atmosphere is in a state of equilibrium.

In addition to the motion of the atmosphere here described, cyclones have a relative motion toward the east, which is due to the earth's rotation and the easterly motion of the atmosphere in the middle latitudes.

Their general course with reference to New York State is toward the east along the northern border for those that

first appear in the west, and north-east along the Atlantic coast for those that appear in the south. The force and extent of a cyclone may be determined by taking simultaneous observations of a barometer over a large section of the country.

Owing to the upward motion at the centre (which has been described), the pressure or weight of the atmosphere is partially removed from the barometer, and its readings decrease. The centre is indicated by the lowest reading and the exterior by the point where the motion of the atmosphere is in an opposite direction from the centre and the readings of the barometer are at or above the normal.

Local showers, thunder storms and tornadoes, generally accompany cyclones. Usually in the south-east octant, and generally from three hundred to six hundred miles from the centre of the cyclone, the temperature of the air which ascends in the centre of a cyclone is decreased by the cold of elevation and flows off above in all directions.

The currents that flow southerly move over lower currents which flow northerly toward the centre of the cyclone. Local storms are most probable when the difference in temperature and conditions between these strata is greatest. This is found south-east of the centre of the cyclone. Local areas of high temperature may cause the atmosphere in the surface current to ascend into the upper. The vapor is condensed and precipitated; often the change is sudden enough to cause thunder storms, occasionally with such force as to form tornadoes.

Some knowledge of these general laws will enable any one, by consulting a signal service weather map or report, to know of the probable approach of storms, changes in temperature and direction of wind.

On the map for March 12th, 1887, an area of low barometer was reported central near Huron, Dakota. The indications for Minnesota and Michigan for that day were snow, which fell; and lower temperature, which occurred. On the 13th the centre was at Alpena, Michigan, and snow or rain fell at stations in Michigan, Ohio, Pennsylvania, New York, and at places east. On March 14th the centre was over the mouth of the gulf of St. Lawrence. The directions of the wind on these days at the several stations east of the centre was first south-easterly and southerly, then westerly, and after the cyclone had passed, north-west. The velocity of this storm was greater than the average. The average velocity, as determined by Loomis, is about twenty-three miles per hour. The other conditions may generally be observed. Cyclones are usually followed by lower tempera-

ture, the fall of the thermometer being in proportion to the rise of the barometer. Of course many of the conditions that may be observed in a cyclone, and which enter largely into the calculations of probable changes over any section, can only be known to the scientific student of meteorology of long experience, yet much practical benefit may be derived from knowing that these storms move easterly, and that the general characteristics observed of them in the west may accompany them east.

Predictions made from observations taken in a single locality are very unreliable, for the reason that the character of the weather at any place is affected by so many changes at distant points that are unknown to the local observer; however, to a limited extent it is possible to form some idea of what may be expected.

A high easterly or southerly wind accompanied by falling barometer and increasing cloudiness, the clouds moving from the south or east, indicates the approach of a low area. During the summer an oppressive, turbid state of the atmosphere, high temperature with falling barometer, irregular masses of dense, cumulus clouds, which during the afternoon subside into cumulus stratus, and moving in a different direction from that of the wind, may indicate thunderstorms. An abnormally high barometer, wind varying from north to north-east, falling barometer and hazy atmosphere, the haze growing more dense until the sky is obscured, is usually followed by rain in a few hours. A thin, dark scud under stratus clouds during a storm indicates a change of wind, and is often observed just before the storm ceases. A light scud driving across hazy clouds foretells wind and rain.

A mackerel sky is an indication of rainy weather. Cirro stratus clouds formed at high altitudes are sometimes broken up into small bunches, causing a mottled appearance of the sky, this is termed a mackerel sky, and indicates that the upper atmosphere is saturated with moisture.

Halos, coronæ, etc., indicate a precipitation of vapor in the upper regions of the atmosphere and foretell rain or snow. When the outlines of cumulus clouds are sharp and well defined, it indicates a dry atmosphere and presages fine weather.

A foggy morning is generally followed by a fair day.

RULES FOR FORETELLING WEATHER, ADAPTED FOR USE
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A Rising Barometer.

A "rapid" rise indicates unsettled weather.

A "gradual" rise indicates settled weather.

A "rise" with dry air, and cold increasing in summer, indicates wind from northward, and, if rain has fallen, better weather is to be expected.

A "rise" with moist air, and a low temperature, indicates wind and rain from northward.

A "rise" with southerly wind indicates fine weather.

A Steady Barometer.

With dry air and seasonable temperature, indicates a continuance of very fine weather.

A Falling Barometer.

A "rapid" fall indicates stormy weather.

A "rapid" fall, with westerly wind, indicates stormy weather from northward.

A "fall" with a northerly wind indicates storm, with rain and hail in summer and snow in winter.

A "fall" with increased moisture in the air, and the heat increasing, indicates wind and rain from southward.

A "fall" with dry air and cold increasing, in winter, indicates snow.

A "fall" after very calm and warm weather, indicates rain with squally weather.



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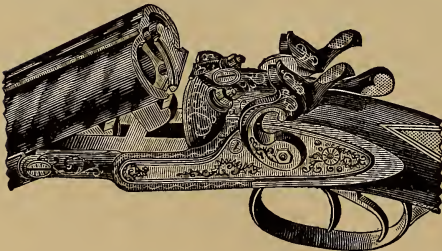
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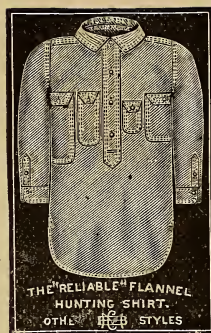
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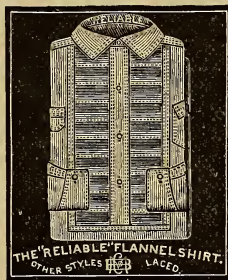
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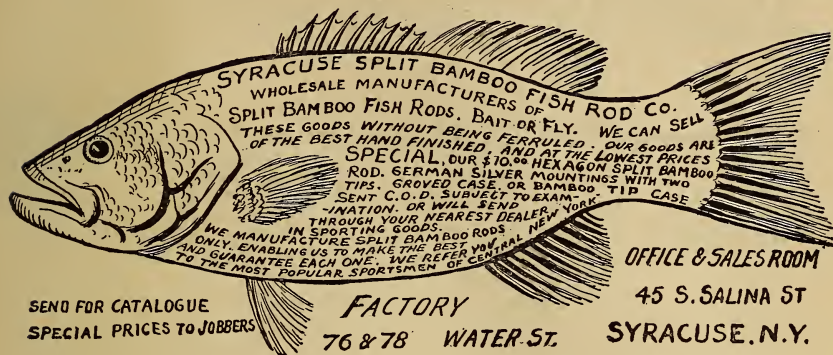
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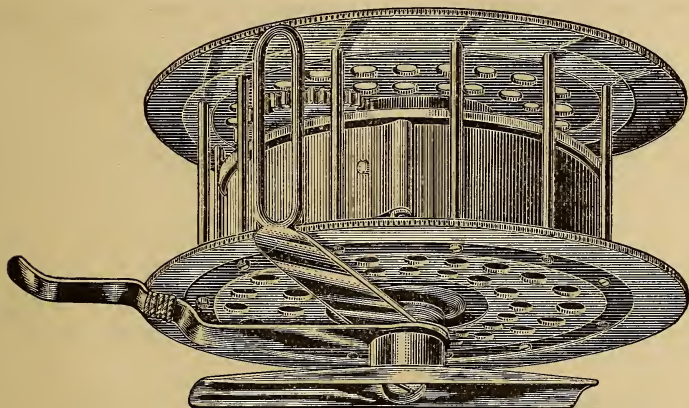
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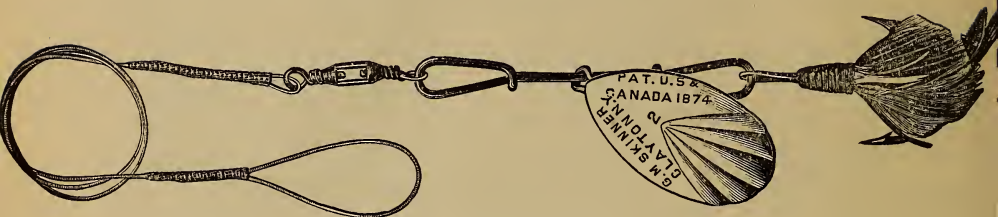
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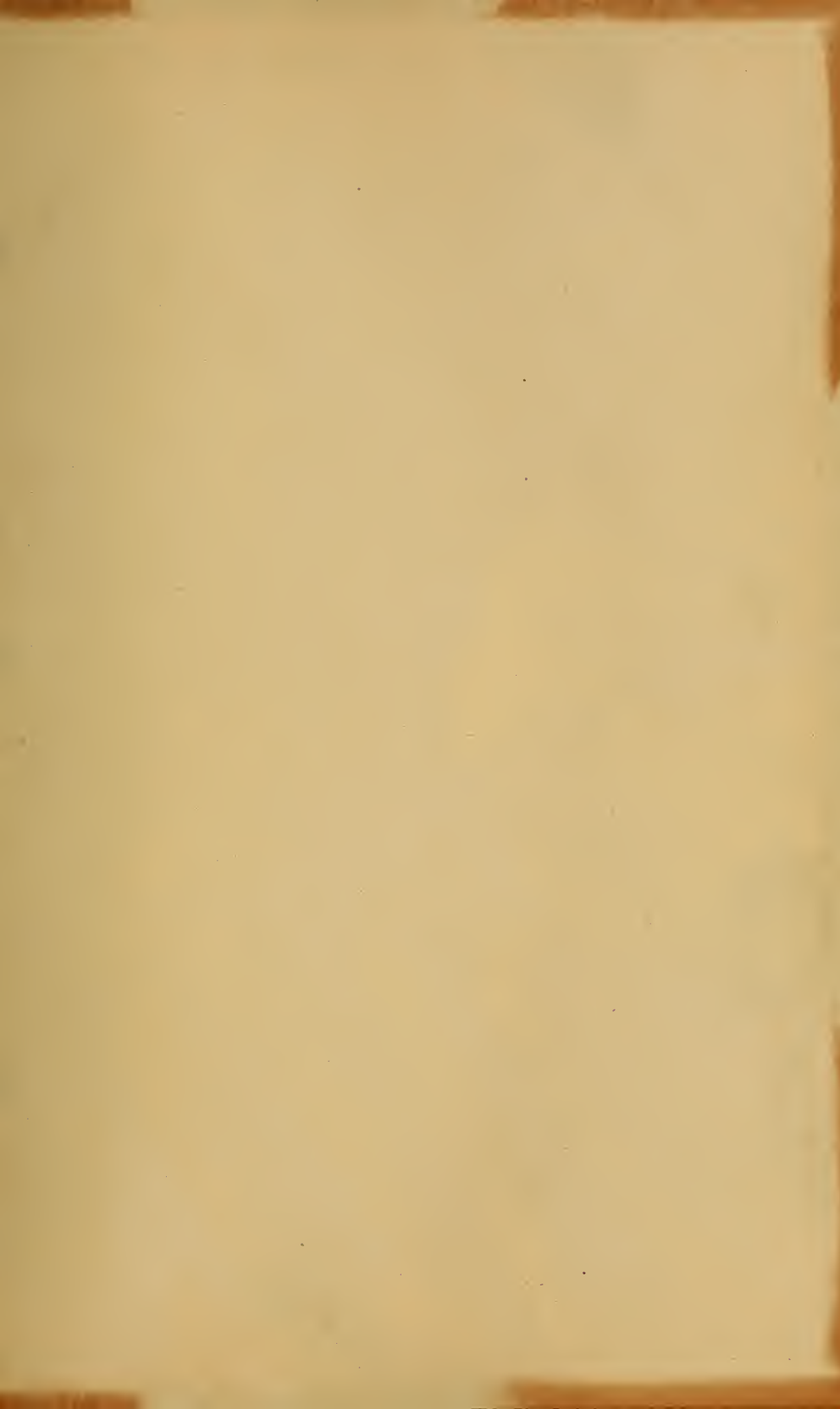
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